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A CITIZEN'S GUIDE ON HOW TO USE THE
FREEDOM OF INFORMATION ACT AND THE
PRIVACY ACT IN REQUESTING GOVERNMENT
DOCUMENTS

THIRTEENTH REPORT

BY THE

COMMITTEE ON GOVERNMENT
OPERATIONS

MICROFICHE



NOVEMBER 2, 1977.—Committed to the Committee of the Whole House
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LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
Washington, D.C., November 2, 1977.

HON. THOMAS P. O'NEILL, JR.,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: By direction of the Committee on Government Operations, I submit herewith the committee's thirteenth report to the 95th Congress. The committee's report is based on a study made by its Government Information and Individual Rights Subcommittee.

JACK BROOKS, *Chairman.*

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95TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } No. 95-793

A CITIZEN'S GUIDE ON HOW TO USE THE FREEDOM OF INFORMATION ACT AND THE PRIVACY ACT IN RE- QUESTING GOVERNMENT DOCUMENTS

NOVEMBER 2, 1977.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. Brooks, from the Committee on Government Operations,
submitted the following

THIRTEENTH REPORT

BASED ON A STUDY BY THE GOVERNMENT INFORMATION AND INDIVIDUAL
RIGHTS SUBCOMMITTEE

On November 2, 1977, the Committee on Government Operations approved and adopted a report entitled "A Citizen's Guide on How To Use the Freedom of Information Act and the Privacy Act in Requesting Government Documents." The chairman was directed to transmit a copy to the Speaker of the House.

RECOMMENDATION

The committee recommends the use of this guide by citizens to facilitate the exercise of their rights under the Freedom of Information and Privacy Acts. The committee also recommends that this handbook be used by Federal agencies in their training programs for government employees charged with the responsibility of administering these two laws.

INTRODUCTION

"[A] people who mean to be their own governors, must arm themselves with the power knowledge gives." James Madison wrote, "A popular government without popular information or the means of acquiring it, is but a prologue to a farce or a tragedy or perhaps both."

The Freedom of Information Act (FOIA) is based upon the presumption that the government and the information of government belong to the people. Consistent with this view is the notion that the proper function of the state in respect to government information is that of custodian in service to society. Yet such a presumption did not always prevail. Prior to the enactment of the Freedom of Information Act in 1966, the burden was on the individual citizen to prove his right to look at government records. Moreover, there were no clearly delineated statutory guidelines to assist the individual seeking information and no judicial remedies for those wrongfully denied access. With the passage of the FOIA, however, the burden of proof was shifted from the individual to the government: the "need to know" standard was replaced by the "right to know" doctrine and the onus was upon the government to justify secrecy rather than the individual to obtain access. In addition, the legislation provided workable standards for what records should be open to public inspection and established judicial remedies for the aggrieved citizen. Above all, the statute made it clear that Federal agencies were hereinafter to provide the fullest possible disclosure of information to the public. In 1974 Congress enacted a series of refining amendments to the act which, among other things, encouraged even more disclosure than the original statute.

In that same year, the Privacy Act was enacted into law. This was the first time in history that Congress gave comprehensive statutory recognition to privacy. The Privacy Act extends the principle underlying the Freedom of Information Act: that government, in its role as custodian of information, is accountable to those it serves. Both acts provide for access to government records. But whereas the FOIA is designed to be used by individuals seeking many kinds of information, the Privacy Act is intended to assist individuals in obtaining information about themselves.

More specifically, the Privacy Act allows an individual to review almost all Federal files pertaining to himself. It requires that these files be accurate, complete, relevant, and up-to-date, and allows the subjects of the files to challenge the accuracy of the information contained in them. It prescribes that information gathered for one purpose not be used for another, and that whenever possible, the information be obtained directly from the individual. And perhaps most important of all, it gives the individual significant control over how information concerning him is used. With certain exceptions, it specifies that records containing personal information about individuals be disclosed to others only with the consent of the individual to whom the

record pertains. As with the FOIA, civil remedies are available if an agency refuses access or declines to amend or correct a file.

While the Privacy Act places restrictions on the disclosure of personally identifiable information, it also prescribes that there be no secret record systems on individuals. As with the FOIA, the Privacy Act compels the government to reveal its information resources. Indeed, both these laws derive from the premise that secrecy in government, as Chief Justice Warren observed, is "the incubator for corruption". The essential difference between them is that the Privacy Act requires the disclosure of records containing personal information to the individual who is the subject of the record but restricts the disclosure of these records to others, whereas the FOIA requires that all types of information be released to anyone making a request, provided that, among other things, it does not violate the privacy of any individual.

This handbook explains how to use these two important Federal laws. It is only by exercising our rights that we preserve them. The more we know about these statutes, the more effectively they will serve us. The Freedom of Information Act provides each of us with the opportunity to become better informed about the processes and practices of our government. The Privacy Act allows us to participate in those processes that use personal information in reaching decisions that can affect our lives. These acts were designed to be used by all of us. The committee hopes that this guide will further that end.

WHICH ACT TO USE

If you are interested in obtaining documents concerning the general activities of government, you should make your request under the Freedom of Information Act. If, on the other hand, you are seeking access to government records pertaining solely to you, you should make your request under the Privacy Act.

Congress intended that the two acts be considered together in the processing of requests for information. And indeed, many government agencies handle requests under both acts out of the same office. Nevertheless, it is still a good idea to make your request in a way that guarantees you the fullest possible disclosure. Therefore, if after reading this guide on how to use the two acts and noting the exemptions from disclosure which both contain, you are uncertain as to which of the acts will afford you the best results, you would be wise to make your request under both the FOIA and the Privacy Act.

THE FREEDOM OF INFORMATION ACT

LEGISLATIVE BACKGROUND

In 1958 Congress enacted a law, introduced in the House by Congressman John Moss and in the Senate by Senator Thomas Hennings, to correct the abuse of the Government's 180-year-old "housekeeping" statute. The Moss-Hennings bill stated that the provisions of the 1789 statute, which permitted department heads to regulate the storage and use of government records, did not authorize withholding information or records from the public. This law produced some improvement with respect to the accessibility of Federal records, but the results were far from dramatic. Most agencies continued to operate in accordance with provisions of section 3 of the Administrative Procedure Act of 1946. This act was considered by many to encourage withholding rather than disclosure. Among other things, it authorized agencies to keep information secret "for good cause found", or where secrecy was in "the public interest", or where the information had a bearing on "any matter relating solely to the internal management of an agency". In addition, an agency was required to furnish information only to "persons properly and directly concerned".

It was not until 1966 that Congress enacted comprehensive legislation to deal with the problem of government secrecy. The Freedom of Information Act of 1966 was milestone legislation that reversed long-standing government information practices. Enacted as an amendment to section 3 of the Administrative Procedure Act, it replaced the vague and general language of that law, and made it clear that it was Congress' intent that "any person" should have access to identifiable records without having to demonstrate a need or even a reason. The burden of proof for withholding information, moreover, was placed on the government. The act also broadened the scope of information available to the public and provided judicial remedies for those wrongfully denied information.

Despite the substantial shift in emphasis brought about by the 1966 Act, some government agencies responded slowly and reluctantly to requests made under the law. In 1972 the House Foreign Operations and Government Information Subcommittee held 14 days of oversight hearings relating to the administration of the FOIA by Federal agencies and concluded that the "efficient operation of the Freedom of Information Act has been hindered by 5 years of foot-dragging by the Federal bureaucracy". As a result of its findings, the subcommittee proposed a number of procedural and substantive changes in the law. Two years later, Congress adopted amendments to the 1966 Act over the veto of President Ford. They became law in February 1975.

The 1974 amendments were designed to speed and ease the process of obtaining access to government files. Among other things, they required agencies to publish comprehensive indexes for the administra-

tive processing of requests for information, required that agency fees for locating and copying records be uniform and moderate, and shortened the Government's time for answering complaints brought into court. They also prohibited agencies from withholding entire documents, only parts of which were exempt, by requiring the release of nonexempt portions. In addition, they directed the courts to expedite consideration of FOIA cases, authorized judges to examine withheld documents and make an independent determination as to whether they should be released, and provided for the recovery of attorney fees by requesters who prevailed in litigation.

How To REQUEST GOVERNMENT DOCUMENTS

INFORMATION AVAILABLE UNDER THE FREEDOM OF INFORMATION ACT

The Freedom of Information Act applies only to documents held by the administrative agencies of the executive branch of the Federal Government. It does not apply to information maintained by the legislative and judicial branches. The executive branch includes executive departments and offices, military departments, government corporations, government controlled corporations, and independent regulatory agencies. All records in possession of these entities must be released to you upon request unless the information falls within one of the nine specific and narrowly drawn categories.¹

Among other things, the act grants public access to final opinions and orders of agencies, policy statements and interpretations not published in the Federal Register,² administrative staff manuals, and government records that affect the public. Presidential papers have not been considered government records and have therefore not been required to be disclosed under the act.

There are many government documents which may be of interest to you. For example:

Reports compiled by the Department of Health, Education, and Welfare concerning conditions in federally supported nursing homes.

Data collected by the Agriculture Department regarding the purity and quality of meat and poultry products and the harmful effects of pesticides.

Records of regulatory agencies concerning such matters as air-pollution control programs, the adverse effects of television violence, and the safety records of airlines.

Test results maintained by departments and agencies concerning the nutritional content of processed foods, the efficacy of drugs, and the safety and efficiency of all makes of automobiles.

Consumer complaints registered with the Federal Trade Commission regarding interstate moving companies, corporate marketing practices, and faulty products.

All this and more is available to you under the Freedom of Information Act. The FOIA does not obligate Federal agencies to do re-

¹ The FOIA can be used by any member of the general public including noncitizens.

² The Federal Register is a government document, issued daily, in which government agencies publish their regulations implementing acts of Congress along with other notices of public interest. It also lists Executive orders and Presidential proclamations.

search for you. For example, you cannot expect the agency to analyze documents or to collect information it does not have. However, if the information is on record—a document, a tape recording, a computer printout—the act can help you get it.

The only information that may be withheld under the act is that which falls within nine designated categories. These exemptions from disclosure are discussed under the section entitled "Reasons Why Access May Be Denied."

LOCATING RECORDS

To obtain the information you desire, you should first determine which agency is most likely to have it. The United States Government Manual lists all federal agencies and describes their functions. In addition, it usually lists their local and regional office addresses and telephone numbers. The Manual can be found in most libraries, and can be purchased for \$6.50 by writing to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The Congressional Directory can also be of use since, like the Manual, it lists the administrators of the various agencies. This too is available in most public libraries and can be purchased from the Government Printing Office for \$6.50.

If you are unable to obtain a copy of the Manual and are unsure of the location of the record or records you want, you should write to the agency you think is most likely to have them. In most cases, if the agency doesn't have the record, it will forward your letter to the appropriate source or tell you whom to write.

If you have reason to believe that a local or field office of a federal agency has the information you are seeking, it may also be helpful to contact that office with regard to your request. Most states have local Federal offices, which are listed in the telephone books of the major cities. Or you can use the regional Federal telephone books, which list the agencies operating in each area along with the names and titles of the policy-level employees. These books can usually be obtained at cost from the regional offices.

MAKING A REQUEST

When you have accumulated as much information about the record you want as is conveniently available, write a letter. It should be directed to the head of the agency whose address can be found in the Government Manual, the Congressional Directory, or in the list provided in this handbook. Or, you can write to the FOIA Officer of the agency. However, if your telephone calls have uncovered the official directly responsible for the record you want, write to that official. In any event, it is always a good idea to write "Freedom of Information Request" on the bottom left-hand corner of the envelope.

Identify the records you want as accurately as possible. Although you are not required under the FOIA to specify a document by name or title, your request must "reasonably describe" the information sought.³ The more specific and limited the request, the greater the like-

³The report of the House Government Operations Committee defines "reasonably describes" by stating that a description "would be sufficient if it enabled a professional employee of the agency who was familiar with the subject area of the request to locate the record with a reasonable amount of effort". (H.R. No. 93-876, 1974, p. 6.)

likelihood that it will be processed expeditiously. This could also result in savings in the cost of searching fees. (See section on fees.)

One of the principal differences between the FOIA and previous laws is that the individual seeking information is not required to demonstrate a need or even a reason for wanting it. But in some instances the probability of getting the information you desire may be enhanced by explaining your reasons for requesting it. Agency officials have the discretionary power to release files even where the law does not require it, and they may be more inclined to disclose information which could be withheld if they understand the uses to which it is to be put.

Fees

The House-Senate conference report on the 1974 amendments to the FOIA made it clear that Congress intended that "fees should not be used for the purpose of discouraging requests for information or as obstacles to disclosure of requested information".

Pursuant to the act, each agency is required to publish a uniform schedule of fees covering all the divisions of the agency. These fees may not exceed the actual costs of searching for and copying the requested documents. Moreover, agencies cannot charge for reviewing documents to determine whether all or portions of them should be withheld. Searching fees run around \$5 per hour. The average charge for copying is 10¢ a page for standard size copies of 8 x 11 inches and 8 x 14 inches. Many agencies do not charge anything where the aggregate cost is less than \$3 or \$4.

If you want a waiver or reduction of the fees, you might benefit by stating your reasons for requesting the information since the act provides that agencies can waive or reduce fees when "furnishing the information can be considered as primarily benefiting the general public". They also have the option to disregard charges for indigent requesters. Another way to save money on reproduction expenses is to ask to see the documents at the agency rather than having copies made. Most agencies will be glad to make the necessary arrangements for this.

Sample request letter

Agency Head or FOIA Officer
Title

Name of Agency
Address of Agency
City, State, zip

Re: Freedom of Information Act
Request.

Dear _____:

Under the provisions of the Freedom of Information Act, 5 U.S.C. 552, I am requesting access to (identify the records as clearly and specifically as possible).

If there are any fees for searching for, or copying, the records I have requested, please inform me before you fill the request. (Or: ... please supply the records without informing me if the fees do not exceed \$——.)

[Optional] I am requesting this information (state the reason for your request if you think it will assist you in obtaining the information.)

[Optional] As you know, the act permits you to reduce or waive fees when the release of the information is considered as "primarily benefiting the public". I believe that this request fits that category and I therefore ask that you waive any fees.

If all or any part of this request is denied, please cite the specific exemption(s) which you think justifies your refusal to release the information, and inform me of the appeal procedures available to me under the law.

I would appreciate your handling this request as quickly as possible, and I look forward to hearing from you within 10 days, as the law stipulates.

Sincerely,

Signature

Name

Address

City, State, zip

REQUIREMENTS FOR AGENCY RESPONSES

Federal agencies are required to respond to all requests for information within 10 working days (excluding Saturdays, Sundays, and holidays) after receipt of the request. If you are in a hurry to get the material, you might want to send your letter by certified mail and ask for a return receipt so you will know when the 10 days have run out. If you haven't received a reply by the end of that time (be sure to allow for the return mail), you can write a followup letter or telephone the agency to inquire about the delay.

If an agency runs into difficulty in meeting the 10-day time requirement due to "unusual circumstances"⁴, it must inform you in writing that an extension—not to exceed 10 more working days—will be required. Moreover, should your request be denied, the agency must tell you the reasons for the denial and advise you to whom you can appeal within the agency. It must also give you the names and addresses of those responsible for denying the request.

In most cases, agencies will do their best to respond within the designated time periods. However, they may sometimes fail to meet the 10-day guidelines due to substantial backlogs of requests. While it is your right to contest this in court, you should also realize that the Government's failure to comply with the prescribed time limits may not of itself constitute a basis for the release of the records you seek.⁵

⁴ Under the provisions of the act, "unusual circumstances" involve such things as collecting records from field offices or other establishments, reviewing a voluminous amount of material, and consulting with another agency in order to fill the request.

⁵ In July 1976, the U.S. Court of Appeals for the District of Columbia ruled that the time requirements of the FOIA are "not mandatory but directory" when certain conditions are met. If an agency can show that it is "deluged" with requests "vastly in excess" of what Congress anticipated, that the resources are "inadequate" to deal with this volume, and that "due diligence" is being exercised in processing the request, time extensions will be permitted. *Open America v. Watergate Special Prosecution Force*, 547 F. 2d 405 (D.C. Cir. 1976).

REASONS WHY ACCESS MAY BE DENIED

Government agencies can refuse to disclose information if it falls within one of nine specified categories. However, the legislative history of the act makes it clear that Congress did not intend for agencies to use these exempt categories to justify the automatic withholding of information. Rather, the exemptions are intended to designate those areas in which, under certain circumstances, information may be withheld. It would be a good idea to familiarize yourself with these general exemptions before making a request so you will know in advance what sort of documents may not be available. It will also help you to understand the reasons agencies give for refusing to release information. The exemptions are usually referred to as (b) (1), (b) (2), etc., in accordance with their designations in the act.

Exemption (b) (1) : Classified documents concerning national defense and foreign policy

Exemption (b) (1) relates to documents that are "(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."

This refers to information which is properly classified "Confidential", "Secret", and "Top Secret" under the terms and procedures of the Presidential order establishing the classification system.

The fact that the document you request is classified does not mean, in and of itself, that it will be withheld from you. Upon receipt of your request, the agency concerned will determine whether the document should continue to be classified. If not it will be declassified prior to its release to you. If the agency decides that the classification should be continued, it will notify you accordingly.

The 1974 amendments to the act made it clear that when FOIA requests for classified documents are taken to court, the judge has a duty to determine whether such documents are properly classified. Judges are now authorized to examine the documents in question and make their own independent determination as to whether the claims of national security are justified. The mere fact that information is classified will not automatically exempt it from disclosure. The burden is on the government to convince the court that a document is correctly classified and should be withheld.

While this new procedure involves the courts as well as the executive branch in the classification process, it should be pointed out that in most instances the courts have been reluctant to second-guess the classifications imposed by the Government.

Exemption (b) (2) : Internal personnel rules and practices

Exemption (b) (2) covers matters "related solely to the internal personnel rules and practices of an agency."

For the most part, this exemption has been limited by the courts to mean information such as agency rules concerning the employees' use of parking facilities or the management of cafeterias, internal policies with regard to sick leave, vacations, and the like.

The Supreme Court's ruling in *Rose v. Department of the Air Force* *

* 425 U.S. 352 (1976).

illustrates how the majority of the courts have construed this provision. In that case, an individual sought access to case summaries of Air Force Academy disciplinary proceedings against cadets. The Court held that the information should be released since it did not relate "solely to the internal personnel rules and practices" of the Academy. In the Court's view, information about the treatment of cadets, whose education is publicly financed and who furnish a good portion of the country's future military leadership, had "substantial potential for public interest outside the Government."

Therefore, if documents affect interests outside the agency or deal with practices and procedures which are not confined to internal rules and practices, they must be released.

Exemption (b) (3) : Information exempt under other laws

Exemption (b) (3) protects information "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."

This exemption permits the government to withhold information where other laws clearly require that it be withheld.

The original provision which covered information "specifically exempted from disclosure by statute" was amended in 1976 by language added to the Government in the Sunshine Act (552b of the Administrative Procedure Act as noted above). The 1976 amendment was enacted due to congressional dissatisfaction with the expansive judicial interpretation given to the word "specifically" by the Supreme Court in *FAA v. Robertson*.⁷ In that case, the Court ruled that, according to the Federal Aviation Act of 1958, the FAA Administrator was permitted to withhold certain information unless disclosure was required "in the interest of the public." The 1976 amendment narrowed this exemption by specifying that it be used only to withhold from the public information required to be withheld by a law containing specific criteria for withholding or designating particular types of information to be withheld.

Examples of the types of information that could be withheld under this exemption include patent applications, income tax returns, and records regarding nuclear testing.

Exemption (b) (4) : Confidential business information

Exemption (b) (4) protects from disclosure "trade secrets and commercial or financial information obtained from a person and privileged and confidential."

This exemption pertains to information concerning trade secrets and confidential commercial or financial data. The consensus of judicial opinion is that it does not apply to general information obtained by the Government with the understanding that it will be held in confidence.

Trade secrets data pertain to such things as processes, formulas, manufacturing plans, and chemical compositions.

Commercial and financial information includes corporate sales data, salaries and bonuses of industry personnel, and bids received by cor-

⁷ 422 U.S. 255 (1975).

porations in the course of their acquisitions. However, commercial and financial information other than trade secrets can be withheld from disclosure only if it meets certain criteria: it must be privileged and confidential and it must be obtained from a "person" by the Government.

The courts have defined "confidential" information as that information which if disclosed would be likely (1) to impair the government's ability to obtain similar information in the future or (2) harm the competitive position of the person who supplied it.

Information obtained from a "person" includes data supplied by corporations and partnerships as well as individual citizens. It does not apply to records which are generated by the Government such as Government-prepared documents based on Government information.

There have been a number of instances in which corporations that have submitted information to the departments and agencies have later appealed to the courts to issue injunctions against its disclosure to others. These are referred to as "reverse" FOIA cases.

Exemption (b) (5): Internal communications

Exemption (b) (5) applies to "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."

This exemption was enacted to safeguard the deliberative policy-making processes of government. Congress was concerned that staff assistants and agency personnel might be reluctant to engage in a free exchange of ideas if they knew that all their communications were subject to public disclosure. However, the Supreme Court has drawn a distinction between agency communications prior to the rendering of a decision and communications concerning a decision once it has been made. Memorandums and letters which reflect predecisional attitudes regarding policy alternatives are not required to be disclosed. But communications that relate to decisions already made must be released. In the Court's view, once a policy is adopted, the public has a right to know the basis for that decision.

The Court has also distinguished between purely factual information and information relating to the policymaking process. Factual information must always be disclosed unless it is (1) inextricably intertwined with information concerning a decisionmaking process or is (2) part of a summary of material of an otherwise public record to be used in the agency's deliberative process.

Exemption (b) (6): Protection of privacy

Exemption (b) (6) covers "personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy".

This exemption relates to records that contain details about the private lives of individuals. It is the only exemption that allows a balancing of interests between disclosure and nondisclosure. The public's right to know must be weighed against the individual's right to privacy. Therefore, when requesting information of a personal nature, it is always a good idea to give a brief explanation of why you want it unless, of course, it pertains to you.

In attempting to determine what constitutes a "clearly unwarranted invasion of personal privacy," the courts have taken two separate

approaches. In some cases, they have balanced the potential severity of the privacy invasion against the general public interest to be served. In others, they have considered the intrusion in relation to the needs and interests of the requester.

Exemption (b) (7) : Investigatory files

Exemption (b) (7) exempts from disclosure "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."

The original provision concerning investigatory files was interpreted by the courts to include almost any file which could be labeled "investigatory" in nature. However, the 1974 amendments to the act narrowed the exemption by providing that investigatory records could be withheld only if their release would result in one or more of six specific harms (listed above). The amendments also changed the language of the provision to cover investigatory "records" rather than investigatory "files." The fact that a particular record is an investigatory file does not mean that it is automatically exempt. Each document or part of each document in the file must now be examined to determine whether its disclosure would result in one or more of the six enumerated harms. Moreover, these portions that do not fall within any of these categories must be released.

Exemption (b) (8) : Information concerning financial institutions

Exemption (b) (8) exempts from the disclosure requirement matters "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."

This includes, for example, investigatory reports of the Federal Reserve Board concerning Federal banks, documents prepared by the Securities Exchange Commission regarding the New York Stock Exchange, and other similar information.

Exemption (b) (9) : Information concerning wells

Exemption (b) (9) exempts from disclosure "geological and geophysical information and data, including maps concerning wells."

This was added as a specific exemption because at the time of the act's passage, it was unclear whether this type of information was covered by the trade-secret provision of the act.

APPEAL PROCEDURE

If your request for information is denied, you should send a letter of appeal to the person or office specified in the agency's reply. If for some reason this information is not provided, file your appeal

with the head of the agency. Include a copy of the rejection letter along with a copy of your original request, and make as strong a case as possible for your right to know. It is important to clarify the request if the denial indicates some confusion on the part of the agency as to what is being sought.

Although it is not necessary, it will strengthen your appeal if you are able to cite court rulings concerning why the agency's use of a particular exemption to withhold information is inappropriate. Depending upon your need for the information, you might want to consult a lawyer to help you with this. Furthermore, since the chances of getting the information you desire are sometimes enhanced by explaining the reasons for wanting it, you should consider doing this, especially if you have not done so in your initial request. If you plan to pursue the matter in court in the event your appeal is denied, you might also want to include this information in your letter.

Most agency regulations require that appeals be made within 30 days after the individual has been notified that his request has been denied. Therefore, if you decide to file an appeal, you should do so within this time.

The agency is required to respond to an appeal within 20 working days after receiving it. However, if the initial request was answered within the 10-day time period, an extension of up to 10 working days may be granted.

If the agency denies your appeal in whole or in part, it must inform you of your right to seek judicial review. If after 20 working days from the time of the agency's receipt of your appeal you have not received a reply, you may take your case to court.

Sample appeal letter

Name of Agency Official

Title

Name of Agency

Address of Agency

City, State, zip

Re: Freedom of Information Act Appeal.

Dear _____:

This is to appeal the denial of my request for information pursuant to the Freedom of Information Act, 5 U.S.C. 522.

On _____ (date), I received a letter from _____ (individual's name) of your agency denying my request for access to _____ (description of the information sought). I am enclosing a copy of this denial along with a copy of my original request. I trust that upon examination of these communications you will conclude that the information I am seeking should be disclosed.

As provided for in the Act, I will expect to receive a reply within 20 working days.

[Optional] If you decide not to release the requested information, I plan to take this matter to court.

Sincerely,

Signature

Name

Address

City, State, zip

TAKING YOUR CASE TO COURT

If your appeal is rejected and you are willing to invest some time and money to get the information you want, take the case to court. You can file suit in the U.S. District Court in the district where you live or do business or where the agency records are kept. Or you can take the case to the U.S. District Court in the District of Columbia.

If you have a strong case, there is a good possibility that your decision to seek judicial review will itself produce results. Unless the agency withholding the information has a well-founded reason for doing so, it may decide to release it rather than go to court. Under a directive issued by the Attorney General in May of 1977, the burden is on the Federal agencies to convince the Justice Department that they will win FOIA suits before the Department will take their cases.

As a plaintiff under the FOIA, you go into court with the presumption that right is on your side: the burden of proof is on the Government to justify withholding information. Whenever there is a doubt as to which side is right the courts are supposed to rule in favor of disclosure. Moreover, pursuant to the 1974 amendments to the act, judges are authorized to examine the contents of contested documents to determine whether all or any part of them can be withheld. The law requires that "reasonably segregable portions" of the exempt records be released: this means nonexempt portions that are intelligible.

The courts are supposed to expedite FOIA cases and, whenever possible, consider them ahead of other matters. The act also specifies that court costs and attorney fees be awarded if the plaintiff has "substantially prevailed." In other words, if it is clear that the information should have been released to you in the beginning, the government may be required to pay the court costs and your attorney's fee. In addition, if the judge finds that agency officials have acted "arbitrarily and capriciously" in withholding information, the Civil Service Commission may initiate proceedings to determine whether disciplinary action is warranted.

If you do decide to go to court, you should consult a lawyer. It would be preferable to find one who has had some experience in federal practice. If you cannot afford private counsel, contact your local legal aid society.

THE PRIVACY ACT

LEGISLATIVE BACKGROUND

The Privacy Act of 1974 was the culmination of many years of public and congressional concern over the threat posed to individual privacy by the Federal Government's increasing acquisition of vast quantities of personal information on American citizens. In the 1960's both houses of Congress held numerous hearings and conducted extensive investigations into all aspects of government information-gathering techniques. This included inquiries into such things as the telephone monitoring activities of Federal agencies, the use of "lie detectors" and other privacy-invading procedures for eliciting information from Federal employees, the maintenance of Federal data banks containing large quantities of personal data on individuals, the use of criminal justice information by Federal agencies, and the military surveillance of American citizens.

These investigations, along with others, provided the background for the Privacy Act. Early in 1974, both houses of Congress considered bills which formed the basis of the Act that eventually passed the Congress. Legislation was introduced in the Senate by Senator Sam J. Ervin, Jr., and in the House by Congressman William S. Moorhead. Two separate and divergent measures were passed by these bodies, but the differences were reconciled and the Privacy Act passed the Congress in November 1974. It was signed into law by President Ford on the last day of the year and became effective in September 1975.

The underlying purpose of the Privacy Act is to give citizens more control over what information is collected by the Federal Government about them and how that information is used. The act accomplishes this in five basic ways. It requires agencies to publicly report the existence of all systems of records maintained on individuals. It requires that the information contained in these record systems be accurate, complete, relevant, and up-to-date. It provides procedures whereby individuals can inspect and correct inaccuracies in almost all Federal files about themselves. It specifies that information about an individual gathered for one purpose not be used for another without the individual's consent. And, finally, it requires agencies to keep an accurate accounting of the disclosure of records and, with certain exceptions, to make these disclosures available to the subject of the record. In addition, the bill provides sanctions to enforce these provisions.

HOW TO REQUEST PERSONAL RECORDS

INFORMATION AVAILABLE UNDER THE PRIVACY ACT

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, government controlled corporations, and independent regulatory agencies. Subject to specified exceptions, files that are part of a system of records held by these agencies must be made available to the individual subject of the record upon request.⁸ A system of records, as defined by the Privacy Act, is a group of records from which information is retrieved by reference to a name or other personal identifier such as a social security number.

The Federal Government is a vast storehouse of information concerning individual citizens. For example:

If you have worked for a Federal agency or Government contractor or have been a member of any branch of the armed services, the Federal Government has a file on you.

If you have participated in any federally financed project, some agency probably has a record of it.

If you have been arrested by local, State, or Federal authorities and your fingerprints were taken, the FBI maintains a record of the arrest.⁹

If you have applied for a government subsidy for farming purposes, the Department of Agriculture is likely to have this information.

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.

If you have applied for or received a student loan or grant certified by the Government, the Department of Health, Education, and Welfare has recorded this information.

If you have applied for or been investigated for a security clearance for any reason, there is a good chance that the Department of Defense has a record of it.

If you have received medicare or social security benefits, the Department of Health, Education, and Welfare has a file on you.

In addition, Federal files on individuals include such items as:

Investigatory reports of the Federal Communications Commission concerning whether individuals holding citizens band and/or amateur radio licenses are violating operating rules.

Records of the Internal Revenue Service listing the names of individuals entitled to undeliverable refund checks.

Records compiled by the State Department regarding the conduct of American citizens in foreign countries.

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

⁸ Unlike the FOIA—which applies to anyone making a request including foreigners as well as American citizens—the Privacy Act applies only to American citizens and aliens lawfully admitted for permanent residence.

⁹ If an individual is arrested more than once, he builds up a criminal history called a rap sheet. Rap sheets chronologically list all fingerprint submissions by local, State, and Federal agencies. They also contain the charges lodged against the individual and what disposition is made of the case if the arresting agency supplies this information. You can get a copy of your rap sheet by forwarding to the Identification Division of the FBI in Washington, D.C., a set of rolled-inked fingerprint impressions along with \$5 in the form of a certified check or money order made out to the Treasury of the United States.

might be of interest to the Federal Government, there is a good chance that some Federal agency has a file on you.

The only information that may be withheld under the act is that which falls within seven designated categories. These exemptions from disclosure are discussed under the section entitled "Reasons Why Access May Be Denied."

LOCATING RECORDS

If you think that a particular agency maintains records concerning you, you should write to the head of that agency or to the Privacy Act Officer. Agencies are required to inform you, at your request, whether they have files on you.

If you want to make a more thorough search to determine what records other Federal departments may have, you should consult the compilation of Privacy Act notices published annually by the Federal Register. This multivolume work contains descriptions of all Federal record systems: it describes the kinds of data covered by the systems and lists the categories of individuals to whom the information pertains. It also includes the procedures that different agencies follow in helping individuals who request information about their records, and it specifies the agency official to whom you should write to find out whether you are the subject of a file.

The compilation is usually available in large reference, law, and university libraries. It can be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. The cost per volume runs around \$6 to \$12. If you know which agencies you are interested in, the Superintendent of Documents can help you identify the particular volume or volumes which contain the information you want. However, this word of caution: at the present time, the compilation is poorly indexed and, as a consequence, difficult to use. Therefore, you should examine the work before ordering it.

While it may be helpful to agency officials for you to specify a particular record system which you think contains information concerning you, it is not necessary to provide this information. If you have a general idea of the record you want, don't hesitate to write the agency which you think maintains it.

MAKING A REQUEST

You can make a request in writing, by telephone, or in person. One advantage to writing is that it enables you to document the dates and contents of the request and the agency's replies. This could be helpful in the event of future disputes. Be sure to keep copies of all correspondence concerning the request.

Your request should be addressed to the head of the agency which maintains the records you want or to the agency official specified in the compilation of Privacy Act notices. (See section on Locating Records.) In any event, be sure to write "Privacy Act Request" on the bottom left-hand corner of the envelope. Along with your name and permanent address, you should always give as much information as possible about the record you are seeking.¹⁰ The more specific the in-

¹⁰ If you were using a different name at the time the record was compiled, be sure to provide this information.

quiry, the faster you can expect a response. If you want access to a record concerning your application for a Government loan, for example, you should give the date of the application, the place where the application was filed, the specific use to which the loan was put, and any relevant identifying numbers. Of course, if you have used the Federal Register's compilation of notices and identified a particular record system which you think contains information on you, you should cite the system.

Most agencies require some proof of identity before they will release records. Therefore, when making your request, it would be a good idea to provide some identifying data such as a copy of an official document containing your complete name and address. Remember, too, to sign your request since a signature provides a form of identification. You might also want to consider having your signature notarized. If you are seeking access to a record which has something to do with a Government benefit, it could be helpful to give your social security number. Some agencies may request additional information such as a document containing your signature and/or photograph depending upon the nature and sensitivity of the material to be released.

Anyone who "knowingly and willfully" requests or receives access to a record about an individual "under false pretenses" is subject to criminal penalties. This means that a person can be prosecuted for deliberately attempting to obtain someone else's record.

Fees

Under the Privacy Act, agencies are permitted to charge fees to cover the actual costs of copying records. However, they are not allowed to charge for the time spent in locating records or in preparing them for your inspection. Copying fees are about 10 cents a page for standard size copies of 8 x 11 inches and 8 x 14 inches.

As mentioned above, fees for locating files can be charged for requests processed under the Freedom of Information Act. Therefore, if you seek access to records under the Privacy Act which can be withheld under the act but are available under the FOIA, you could be charged searching fees. However, as noted elsewhere in this guide, the legislative histories of both the FOIA and the Privacy Act clearly indicate that Congress intended that access to records not be obstructed by costs. Consequently, if you feel that an agency's fees are beyond your means, you should ask for a reduction or waiver of the charges when making your request.

Sample request letter

Agency Head or Privacy Act Officer

Title

Agency

Address of Agency

City, State, zip

Re: Privacy Act Request.

Dear _____:

Under the provisions of the Privacy Act of 1974, 5 U.S.C. 522a, I hereby request a copy of (or: access to) _____ (describe as accurately and specifically as possible the record or records you want, and provide all the relevant information you have concerning them).

If there are any fees for copying the records I am requesting, please inform me before you fill the request. (Or: . . . please supply the records without informing me if the fees do not exceed \$ —.)

If all or any part of this request is denied, please cite the specific exemption(s) which you think justifies your refusal to release the information. Also, please inform me of your agency's appeal procedure.

In order to expedite consideration of my request, I am enclosing a copy of ----- (some document of identification).

Thank you for your prompt attention to this matter.

Sincerely,

Signature
Name
Address
City, State, zip

REQUIREMENTS FOR AGENCY RESPONSES

Unlike the Freedom of Information Act, which requires agencies to respond within 10 working days after receipt of a request, the Privacy Act imposes no time limits for agency responses. However, the guidelines for implementing the act's provisions recommended by the executive branch state that a request for records should be acknowledged within 10 working days of its receipt. Moreover, the acknowledgment should indicate whether or not access will be granted and, if so, when and where. The records themselves should be produced within 30 working days. And, if this is not possible, the agency should tell you the reason and advise you when it is anticipated that access will be granted.

Most agencies will do their best to comply with these recommendations. Therefore, it is probably advisable to bear with some reasonable delay before taking further action.

DISCLOSURE OF RECORDS

Agencies are required to release records to you in a form that is "comprehensible". This means that all computer codes and unintelligible notes must be translated into understandable language.

You can examine your records in person or have copies of them mailed to you, whichever you prefer. If you decide that you want to see the records at the agency and for some reason the agency is unable to provide for this, then you cannot be charged copying fees if the records are later mailed to you.

If you view the records in person, you are entitled to take someone along with you. If you do this, you will probably be asked to sign a statement authorizing the agency to disclose and discuss the record in the other person's presence.

Special rules apply to the release of medical records. In most cases, when you request to see your medical record, you will be permitted to view it directly. However, if it appears that the information contained in it could have an "adverse effect" on you, the agency may give it to someone of your choice, such as your family doctor, who would be willing to review its contents and discuss them with you.

REASONS WHY ACCESS MAY BE DENIED

Under the Privacy Act, certain systems of records can be exempted from disclosure. Agencies are required to publish annually in the Federal Register the existence and characteristics of all record systems, including those which have been exempted from access. However, records declared exempt are not necessarily beyond your reach, since agencies do not always use the exemptions they have claimed. Therefore, don't hesitate to request any record you want. The burden is on the agency to justify withholding any information from you.

You should familiarize yourself with these exemptions before making a request so you will know in advance what kind of documents may not be available. It will also help you to understand the reasons agencies give for refusing to release information.

General exemptions

The general exemptions apply only to the Central Intelligence Agency and criminal law enforcement agencies. The records held by these agencies can be exempt from more provisions of the act than those maintained by other agencies. However, even the systems of these agencies are subject to many of the act's basic provisions: (1) the existence and characteristics of all record systems must be publicly reported; (2) subject to specified exceptions, no personal records can be disclosed to other agencies or persons without the prior consent of the individual to whom the record pertains; (3) all disclosures must be accurately accounted for; (4) records which are disclosed must be accurate, relevant, up-to-date, and complete; and (5) no records describing how an individual exercises his first amendment rights can be maintained unless such maintenance is authorized by statute or by the individual to whom it pertains or unless it is relevant to and within the scope of an authorized law enforcement activity.

General exemptions are referred to as (j) (1) and (j) (2) in accordance with their designations in the act.

Exemption (j) (1): Files maintained by the CIA.—Exemption (j) (1) covers records "maintained by the Central Intelligence Agency". This exemption permits the heads of the Central Intelligence Agency to exclude certain systems of records within the agency from many of the act's requirements. The provisions from which the systems can be exempted are primarily those permitting individual access. Consequently, in most instances, you would probably not be allowed to inspect and correct records about yourself maintained by this agency. Congress permitted the exemption of these records from access because CIA files often contain highly sensitive information regarding national security. Nevertheless, you should always bear in mind that agencies are not required to invoke all the exemptions allowed them. Therefore, if you really want to see a record containing information about you that is maintained by this agency, go ahead and make your request.

Exemption (j) (2): Files maintained by Federal criminal law enforcement agencies.—Exemption (j) (2) covers records "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 consist 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 the criminal laws from arrest or indictment through release from supervision".

This exemption would permit the heads of criminal law enforcement agencies such as the FBI, the Drug Enforcement Administration, and the Immigration and Naturalization Service to exclude certain systems of records from many of the act's requirements. As with the CIA, the allowed exemptions are primarily those permitting individual access. However, many agencies do not always use the exemptions available to them. Remember, too, the act explicitly states that records available under the FOIA must also be available under the Privacy Act. And under the FOIA, the CIA and FBI and other federal agencies are required to release all nonexempt portions of their intelligence and investigatory files. Nevertheless, even though Congress intended that Privacy Act requests be coordinated with FOIA provisions, it is still a good idea to cite both these acts when seeking information of an intelligence or investigatory nature.

Specific exemptions

There are seven specific exemptions which apply to all agencies. Under specified circumstances, agency heads are permitted to exclude certain record systems from the access and challenge provisions of the act. However, even exempted systems are subject to many of the act's requirements. In addition to the provisions listed under General Exemptions (which apply to all record systems), a record system that falls under any one of the seven specific exemptions (listed below) is subject to the following requirements: (1) information that might be used to deny a person a right, benefit, or privilege must, whenever possible, be collected directly from the individual; (2) individuals asked to supply information must be informed of the authority for collecting it, the purposes to which it will be put, and whether or not the imparting of it is voluntary or mandatory; (3) individuals must be notified when records concerning them are disclosed in accordance with a compulsory legal process, such as a court subpoena; (4) agencies must notify persons or agencies who have previously received information about an individual of any corrections or disputes over the accuracy of the information; (5) and all records must be accurate, relevant, up-to-date, and complete.¹¹

Record systems which fall within the seven exempt categories are also subject to the civil remedies provisions of the act. Therefore, if an agency denies you access to a record in an exempt record system or refuses to amend a record in accordance with your request, you can contest these actions in court. You can also bring suit against the

¹¹ This provision differs from the one pertaining to all record systems which requires that records which are disclosed be accurate, relevant, up-to-date, and complete. Record systems which are subject to the seven specific exemptions must at all times be accurate, relevant, up-to-date, and complete.

agency if you are denied a right, benefit, or privilege as a result of records which have been improperly maintained. These remedies are not available under the general exemptions.

Specific exemptions are referred to as (k) (1), (k) (2), etc., in accordance with their designations in the act.

Exemption (k) (1): Classified documents concerning national defense and foreign policy.—Exemption (k) (1) covers records "subject to the provisions of section 552(b) (1) of this title".

This refers to the first exemption of the Freedom of Information Act which excepts from disclosure records "(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." (For further discussion of the provision, see *Exemption 1: Classified documents concerning national defense and foreign policy* under the FOIA section of this guide.)

Exemption (k) (2): Investigatory material compiled for law enforcement purposes.—Exemption (k) (2) pertains to "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".

This applies to investigatory materials compiled for law enforcement purposes by agencies whose principal function is other than criminal law enforcement. Included are such items as files maintained by the Internal Revenue Service concerning taxpayers who are delinquent in filing Federal tax returns, records compiled by the Customs Bureau on narcotic suspects, investigatory reports of the Federal Deposit Insurance Corporation regarding banking irregularities, and files maintained by the Securities Exchange Commission on individuals who are being investigated by the agency.

Such files cannot be withheld from you, however, if they are used to deny you a benefit, right, or privilege to which you are entitled by law unless their disclosure would reveal the identity of a confidential source. You should always bear in mind that Congress intended that information available under either the FOIA or the Privacy Act be disclosed. Moreover, since the FOIA requires agencies to release all nonexempt portions of a file, some of the information exempted under this provision might be obtainable under the FOIA. In any event, as mentioned above, when seeking information of an investigatory nature, it is a good idea to request it under both acts.

Exemption (k) (3): Secret Service intelligence files.—Exemption (k) (3) covers records "maintained in connection with providing protective services to the President of the United States or other individuals pursuant to section 3056 of title 18".

This exemption pertains to files held by the Secret Service that are necessary to insure the safety of the President and other individuals under Secret Service protection.

Exemption (k) (4): Files used solely for statistical purposes.—Exemption (k) (4) applies to records “required by statute to be maintained and used solely as statistical records”.

This includes such items as Internal Revenue Services files regarding the income of selected individuals used in computing national income averages, and records on births and deaths maintained by the Department of Health, Education, and Welfare for compiling vital statistics.

Exemption (k) (5): Investigatory material used in making decisions concerning Federal employment, military service, Federal contracts, and security clearances.—Exemption (k) (5) relates to “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”.

This exemption applies only to investigatory records which would reveal the identity of a confidential source. Since it is not customary for agencies to grant pledges of confidentiality in collecting information concerning employment, Federal contracts, and security clearances, in most instances these records would be available.

Exemption (k) (6): Testing or examination material used solely for employment purposes.—Exemption (k) (6) covers “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”.

This provision permits agencies to withhold information concerning the testing process that would give an individual an unfair competitive advantage. It applies solely to information that would reveal test questions and answers or testing procedures.

Exemption (k) (7): Evaluation material used in making decisions regarding promotions in the armed services.—Exemption (k) (7) pertains to “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”.

This exemption is used solely by the Armed services. Moreover, due to the nature of the military promotion process where numerous individuals compete for the same job, it is often necessary to grant pledges of confidentiality in collecting information so that those questioned about potential candidates will feel free to be candid in their assessments. Therefore, efficiency reports and other materials used in making

decisions about military promotions may be difficult to get. But always remember, when seeking information of an investigatory nature, it is a good idea to request it under both the Privacy Act and the FOIA.

APPEAL PROCEDURE FOR DENIAL OF ACCESS

Unlike the FOIA, the Privacy Act provides no standard procedure for appealing denials to release information. However, many agencies have their own regulations governing this. If your request is denied, the agency should advise you of its appeal procedure and tell you to whom to address your appeal. If this information is not provided, you should send your letter to the head of the agency. Include a copy of the rejection letter along with a copy of your original request and state your reason for wanting access, if you think it will help.

If an agency withholds all or any part of your record, it must tell you which Privacy Act exemption it is claiming as a justification. It should also advise you why it believes the record can be withheld under the Freedom of Information Act since Congress intended that information sought under either the Privacy Act or the FOIA be released unless it could be withheld under both acts. Therefore, in making your appeal, it would be a good idea to cite both the FOIA and the Privacy Act. Moreover, if you are able to do so, it might also help you to explain why you think the exemptions used to refuse you access are unjustified.

Sample letter for appealing denial of access

Agency Head or Appeal Officer

Title

Agency

Agency Address

City, State, zip

Re: Privacy Act Appeal.

Dear -----:

On ----- (date), I received a letter from ----- (individual's name) of your agency denying my request for access to ----- (description of the information sought). Enclosed is a copy of this denial along with a copy of my original request. By this letter, I am appealing the denial.

Since Congress intended that information sought under the Privacy Act of 1974, 5 U.S.C. 552a, be released unless it could be withheld under both this Act and the Freedom of Information Act, FOIA 5 U.S.C. 552, I hereby request that you also refer to the FOIA in consideration of this appeal.

[Optional] I am seeking access to these records (state the reasons for your request if you think it will assist you in obtaining the information and give any arguments you might have to justify its release).

Thank you for your prompt attention to this matter.

Sincerely,

Signature

Name

Address

City, State, zip

AMENDING YOUR RECORDS

The Privacy Act requires agencies to keep all personal records on individuals accurate, complete, up-to-date, and relevant. Therefore, 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, giving the reasons for the desired changes as well as any documentary evidence you might have to justify the changes. Some agencies may allow you to request these corrections in person or by telephone.

While you should have no trouble in determining whether or not the information contained in your file is accurate, complete, and up-to-date, it might be somewhat more difficult to ascertain whether it is "relevant" to the agency's purpose. However, if you have doubts about anything you find in your records, you should challenge the information and force the agency to justify its retention in your file. There is one thing in particular you might look for: the Privacy Act prohibits the maintenance of information concerning how an individual exercises his first amendment rights unless (1) the maintenance is authorized by statute or the individual to whom it pertains, or (2) unless it is pertinent to and within the scope of an authorized law enforcement activity. In most instances, you would be on solid ground in challenging any information in your file describing your religious and political beliefs, activities, and associations, unless you have voluntarily given this information to the agency.

The act requires agencies to acknowledge in writing all requests for amending records within 10 working days of their receipt. In addition, individuals must be notified what action will be taken regarding the requested amendments. Moreover, agencies are directed to complete action on all such requests within 30 working days of their receipt.

If the agency agrees to amend your record, it must notify all past and future recipients of the changes made. However, unless the agency has kept some record of disclosures prior to September 27, 1975—the date the act went into effect—it might not be possible for it to notify all prior recipients.

Sample letter for request to amend records

Agency Head or Privacy Officer

Title

Agency

Agency Address

City, State, zip

Re: Privacy Act Request to
Amend Records.

Dear -----:

By letter dated -----, I request access to (use same description as in request letter).

In viewing the information forwarded to me, I found that it was (inaccurate) (incomplete) (outdated) (not relevant to the purpose of your agency).

Therefore, pursuant to the Privacy Act of 1974, 5 U.S.C. 552a, I hereby request that you amend my record in the following manner: (Describe errors, new information, irrelevance, etc.)

In accordance with the Act, I look forward to an acknowledgment of this request within 10 working days of its receipt.

Thank you for your assistance in this matter.

Sincerely,

Signature
Name
Address
City, State, zip

APPEAL PROCEDURE FOR AGENCY REFUSAL TO AMEND RECORDS

If an agency refuses to amend your records, it must advise you of the reasons for the refusal as well as the appeal procedures available to you within the agency. It must also tell you to whom to address your appeal. Amendment appeals are usually handled by agency heads or a senior official appointed by the agency head.

Your appeal letter should include a copy of your original request along with a copy of the agency's denial. You should also include any additional information you might have to substantiate your claims regarding the disputed material.

A decision on your appeal must be rendered within 30 working days from the date of its receipt. In unusual circumstances, such as the need to obtain information from retired records or another agency, an additional 30 days may be granted.

If the agency denies your appeal and still refuses to make the changes you request, you have the right to file a brief statement giving your reasons for disputing the record. This statement of disagreement then becomes part of the record and must be forwarded to all past and future recipients of your file. However, as previously noted, unless the agency has kept some record of disclosures prior to September 27, 1975, it might not be possible to notify all past recipients. The agency is also permitted to place in your file a short explanation of its refusal to change the record. This, too, becomes a part of your permanent file and is forwarded along with your statement of disagreement.

If your appeal is denied or if the agency fails to act upon it within the specified time, you can take your case to court.

Sample letter for appealing agency's refusal to amend records

Agency Head or Designated Official

Title

Agency

Agency Address

City, State, zip

Re: Privacy Act Appeal.

Dear -----:

By letter dated ----- to Mr. ----- (official to whom you addressed your amendment request), I requested that information held by your agency concerning me be amended. This request was denied, and I am hereby appealing that denial. For your information, I am enclosing a copy of my request letter along with a copy of Mr. -----'s reply. (If you have any additional relevant information, send it too.)

I trust that upon consideration of my reasons for seeking the desired changes, you will grant my request to amend the disputed material. However, in the event you refuse this request, please advise me of the agency procedures for filing a statement of disagreement.

[Optional] I plan to initiate legal action if my appeal is denied.

Thank you for your prompt attention to this matter.

Sincerely,

Signature

Name

Address

City, State, zip

TAKING YOUR CASE TO COURT

Under the Privacy Act, you can sue an agency for refusing to release your records, for denial of your appeal to amend a record, and for failure to act upon your appeal within the designated time. You can also sue if you are adversely affected by the agency's failure to comply with any of the provisions of the act. For example, if you are denied a job promotion due to inaccurate, incomplete, outdated, or irrelevant information in your file, you can contest this action in court.

While the Freedom of Information Act requires individuals to use agency appeal procedures before seeking judicial review, the Privacy Act permits individuals to appeal denials of access directly to the courts (although most agencies have their own appeal procedures and you should use them when available). On the other hand, you are required by the act to use administrative appeal procedures in contesting agency refusals to amend your records.

Judicial rulings favorable to you could result in the release or amendment of the records in question. In addition, you can obtain money damages if it is proven that you have been adversely affected as a result of the agency's intentional and willful disregard of the act's provisions. You might also be awarded court costs and attorney fees.

The act provides criminal penalties for the knowing and willful disclosure of personal records to those not entitled to receive them, for the knowing and willful failure to publish the existence and characteristics of all record systems, and for the knowing and willful attempt to gain access to an individual's records under false pretenses.

If and when you do decide to go to court, you can file suit in the federal district court where you reside or do business or where the agency records are situated. Or you can take the case to the U.S. District Court in the District of Columbia. Under the Privacy Act, you are required to bring suit within 2 years from the date of the violation you are challenging. However, in cases where the agency has materially or willfully misrepresented information, the statute of limitations runs 2 years from the date you discover the misrepresentation. As with lawsuits brought under the FOIA, the burden is on the agency to justify its refusal to release or amend records.

The same advice applies here as with suits filed under the FOIA: if you go to court, you should consult a lawyer. If you cannot afford private counsel, contact your local legal aid society.

OTHER RIGHTS PROVIDED UNDER THE PRIVACY ACT

One of the most important provisions of the Privacy Act is the one that requires agencies to obtain an individual's written permission prior to disclosing to other persons or agencies information concerning him, unless such disclosures are specifically authorized under the act. Information can be disclosed without an individual's consent under the following circumstances: to employees and officers of the agency maintaining the records who have a need for the information in order to perform their duties; if the information is required to be disclosed under the FOIA; for "routine uses", i.e., uses which are compatible with the purpose for which the information was collected;¹² to the Census Bureau; to the National Archives; to a law enforcement agency upon the written request of the agency head; to individuals acting in behalf of the health or safety of the subject of the record; to Congress; to the General Accounting Office; or pursuant to court order. In all other circumstances, however, the individual who is the subject of the record must give his written consent before an agency can divulge information concerning him to others.

Under the act, you are also entitled to know to whom information about you has been sent. Agencies must keep an accurate accounting of all disclosures made to other agencies or persons except those required under the FOIA. Moreover, this information must be maintained for at least five years or until the record disclosed is destroyed, whichever is longer. With the exception of disclosures requested by law enforcement agencies, a list of all recipients of information concerning you must be made available upon request. Therefore, if you are interested in knowing who has received records about you, you should write to the Privacy Act officer or the head of the agency that maintains the records and request that an accounting of disclosures be sent to you.

Finally, the Privacy Act places a moratorium upon any new uses of your social security number by Federal, State, and local government agencies after January 1, 1975.¹³ No agency may deny you a right, benefit, or privilege to which you are entitled by law because of your refusal to disclose your number unless the disclosure is specifically authorized by statute or regulation adopted before January 1, 1975, or by a later act of Congress. Moreover, in requesting your social security number, agencies are required to tell you whether the disclosure is mandatory or voluntary, under what law or regulation the request is authorized, and what uses will be made of the number. You should bear in mind, however, that this provision applies only to government agencies. It does not apply to the private sector: requests for your social security number by private organizations are not prohibited by law.

¹² All Federal agencies must publish annually in the Federal Register the "routine uses" of the information they maintain.

¹³ This is the only provision in the Privacy Act which applies to State and local as well as Federal agencies.

APPENDIXES

APPENDIX 1.—TEXT OF THE FREEDOM OF INFORMATION ACT

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.

APPENDIX 2.—TEXT OF THE PRIVACY ACT

**Public Law 93-579:
The Privacy Act of 1974**

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.

“(1) 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.

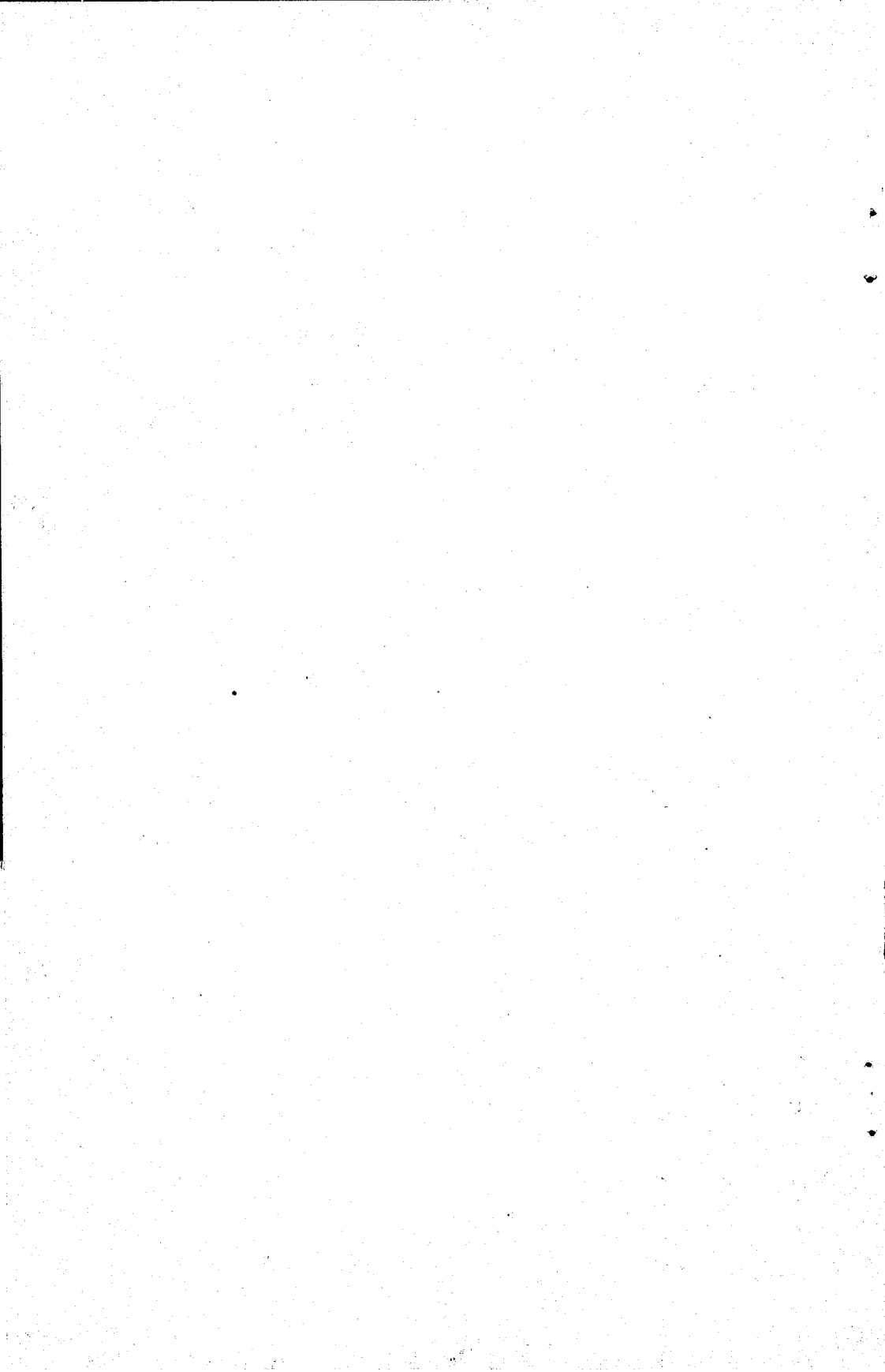
Sec. 8.

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



APPENDIX 3.—ADDRESSES OF SELECTED GOVERNMENT AGENCIES*

ACTION:

ACTION

806 Connecticut Avenue, N.W.

Washington, D.C. 20525

Administrative Conference of the United States:

Administrative Conference of the United States

Suite 500

2120 L Street, N.W.

Washington, D.C. 20037

Agriculture, Department of:

Department of Agriculture

Washington, D.C. 20250

Air Force, Department of the:

Department of the Air Force

The Pentagon

Washington, D.C. 20330

Alcohol, Drug Abuse, and Mental Health Administration:

Alcohol, Drug Abuse, and Mental Health Administration

5600 Fishers Lane

Rockville, Maryland 20857

Alcohol, Tobacco and Firearms, Bureau of:

Bureau of Alcohol, Tobacco, and Firearms

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20226

American Battle Monuments Commission:

American Battle Monuments Commission

40014 Forrestal Bldg.

Washington, D.C. 20314

Appalachian Regional Commission:

Appalachian Regional Commission

1666 Connecticut Avenue, N.W.

Washington, D.C. 20235

Arms Control and Disarmament Agency:

U.S. Arms Control and Disarmament Agency

320 21st Street

Washington, D.C. 20451

Army, Department of the:

Department of the Army

The Pentagon

Washington, D.C. 20314

Census, Bureau of the:

Bureau of the Census

Federal Building 3

Washington, D.C. 20233

*Always remember to write "FOIA Request" or "Privacy Act Request" on bottom left-hand corner of your envelope.

Central Intelligence Agency:
 Central Intelligence Agency
 Washington, D.C. 20505
 Civil Aeronautics Board:
 Civil Aeronautics Board
 1825 Connecticut Avenue, N.W.
 Washington, D.C. 20428
 Civil Rights Commission:
 Civil Rights Commission
 1121 Vermont Avenue, N.W.
 Washington, D.C. 20425
 Civil Service Commission:
 Civil Service Commission
 1900 E Street, N.W.
 Washington, D.C. 20415
 Coastal Plains Regional Commission:
 Coastal Plains Regional Commission
 1725 K Street, N.W.
 Washington, D.C. 20006
 Commerce, Department of:
 Department of Commerce
 Washington, D.C. 20230
 Commodity Futures Trading Commission:
 Commodity Futures Trading Commission
 2033 K Street, N.W.
 Washington, D.C. 20581
 Community Services Administration:
 Community Services Administration
 1200 19th Street, N.W.
 Washington, D.C. 20506
 Comptroller of the Currency, Office of:
 Office of Comptroller of the Currency
 490 L'Enfant Plaza E., S.W.
 Washington, D.C. 20219
 Consumer Product Safety Commission:
 1111 18th Street, N.W.
 Consumer Product Safety Commission
 Washington, D.C. 20207
 Copyright Office:
 Copyright Office
 Library of Congress
 Washington, D.C. 20559
 Customs Service, United States:
 U.S. Customs Service
 1301 Constitution Avenue, N.W.
 Washington, D.C. 20229
 Defense, Department of:
 Department of Defense
 The Pentagon
 Washington, D.C. 20301

- Defense Contracts Audits Agency :**
 Defense Contracts Audits Agency
 Cameron Station
 Alexandria, Virginia 22314
- Defense Intelligence Agency :**
 Defense Intelligence Agency
 RDS-3A
 Washington, D.C. 20301
- Defense Investigative Service:**
 Defense Investigative Service
 D0020
 Washington, D.C. 20304
- Defense Logistics Agency :**
 Defense Logistics Agency
 Cameron Station
 Alexandria, Virginia 22314
- Defense Mapping Agency :**
 Defense Mapping Agency
 Naval Observatory
 Washington, D.C. 20305
- Disease Control, Center for:**
 Center for Disease Control
 Atlanta, Georgia 30333
- Economic Development Administration:**
 Department of Commerce
 14th & Constitution Avenue, N.W.
 Washington, D.C. 20230
- Education, Office of:**
 Office of Education
 400 Maryland Avenue, S.W.
 Washington, D.C. 20202
- Energy, Department of:**
 Department of Energy
 U. S. Department of Energy
 Washington, D.C. 20461
- Environmental Protection Agency:**
 Environmental Protection Agency
 401 M Street, S.W.
 Washington, D.C. 20460
- Environmental Quality, Council on:**
 Council on Environmental Quality
 722 Jackson Place, N.W.
 Washington, D.C. 20006
- Equal Employment Opportunity Commission:**
 Equal Employment Opportunity Commission
 2401 E Street, N.W.
 Washington, D.C. 20506
- Export-Import Bank of the U.S.:**
 Export-Import Bank of the U.S.
 811 Vermont Avenue, N.W.
 Washington, D.C. 20571

- Farm Credit Administration:**
 Farm Credit Administration
 490 L'Enfant Plaza, S.W.
 Washington, D.C. 20578
- Federal Aviation Administration:**
 Federal Aviation Administration (FAA)
 800 Independence Avenue, S.W.
 Washington, D.C. 20591
- Federal Bureau of Investigation:**
 Federal Bureau of Investigation
 9th and Pennsylvania Avenue, N.W.
 Washington, D.C. 20535
- Federal Communications Commission:**
 Federal Communications Commission
 1919 M Street, N.W.
 Washington, D.C. 20554
- Federal Deposit Insurance Corporation:**
 Federal Deposit Insurance Corporation
 550 17th Street, N.W.
 Washington, D.C. 20429
- Federal Election Commission:**
 Federal Election Commission
 1325 K Street, N.W.
 Washington, D.C. 20463
- Federal Highway Administration:**
 Federal Highway Administration
 400 7th Street, S.W.
 Washington, D.C. 20590
- Federal Home Loan Bank Board:**
 Federal Home Loan Bank Board
 320 First Street, N.W.
 Washington, D.C. 20552
- Federal Maritime Commission:**
 Federal Maritime Commission
 1100 L Street, N.W.
 Washington, D.C. 20573
- Federal Mediation and Conciliation Service:**
 Federal Mediation and Conciliation Service
 2100 K Street, N.W.
 Washington, D.C. 20427
- Federal Power Commission:**
 Federal Power Commission
 825 North Capitol Street
 Washington, D.C. 20426
- Federal Trade Commission:**
 Federal Trade Commission
 6th and Pennsylvania Avenue, N.W.
 Washington, D.C. 20580
- Food and Drug Administration:**
 Food and Drug Administration
 5600 Fishers Lane
 Rockville, Maryland 20857

Foreign Claims Settlement Commission:

Foreign Claims Settlement Commission

1111 20th Street, N.W.

Washington, D.C. 20579

General Accounting Office:

General Accounting Office

441 G. Street, N.W.

Washington, D.C. 20548

General Services Administration:

General Services Administration

18th and F Streets, N.W.

Washington, D.C. 20405

Health Care Financing Administration:

Health Care Financing Administration

330 C Street, S.W.

Washington, D.C. 20201

Health, Education, and Welfare, Department of:

U.S. Department of Health, Education, and Welfare

200 Independence Avenue, S.W.

Washington, D.C. 20201

Health Resources Administration:

Health Resources Administration

3700 East West Highway

Hyattsville, Maryland 20782

Health Service Administration:

Health Services Administration

5600 Fishers Lane

Rockville, Maryland 20857

Housing and Urban Development, Department of:

Department of Housing and Urban Development

Washington, D.C. 20410

Immigration and Naturalization Service:

Immigration and Naturalization Service

425 I Street, N.W.

Washington, D.C. 20536

Indian Claims Commission:

Indian Claims Commission

1730 K Street, N.W.

Washington, D.C. 20006

Information Agency, U.S. (USIA):

U.S. Information Agency

1750 Pennsylvania Avenue, N.W.

Washington, D.C. 20547

Interior, Department of:

Department of the Interior

18th and C Street, N.W.

Washington, D.C. 20240

Internal Revenue Service:

Internal Revenue Service

1111 Constitution Avenue, N.W.

Washington, D.C. 20224

International Development, Agency for (AID) :

Agency for International Development
21st and Virginia Avenue, N.W.
Washington, D.C. 20532

International Trade Commission, U.S. :

U.S. International Trade Commission
701 E Street, N.W.
Washington, D.C. 20436

Interstate Commerce Commission :

Interstate Commerce Commission
12th and Constitution Avenue, N.W.
Washington, D.C. 20423

Justice, Department of :

Department of Justice
Washington, D.C. 20530

Labor, Department of :

Department of Labor
Washington, D.C. 20210

Law Enforcement Assistance Administration :

Law Enforcement Assistance Administration
633 Indiana Avenue, N.W.
Washington, D.C. 20531

Maritime Administration :

Maritime Administration
Washington, D.C. 20230

National Aeronautics and Space Administration :

National Aeronautics and Space Administration
400 Maryland Avenue, S.W.
Washington, D.C. 20546

National Archives and Records Service :

National Archives and Records Service
Washington, D.C. 20408

National Credit Union Administration :

National Credit Union Administration
2025 M Street, N.W.
Washington, D.C. 20456

National Endowment for the Arts :

National Endowment for the Arts
806 15th Street, N.W.
Washington, D.C. 20506

National Endowment for the Humanities :

National Endowment for the Humanities
806 15th Street, N.W.
Washington, D.C. 20506

National Highway Traffic Safety Administration :

National Highway Traffic Administration
400 7th Street, S.W.
Washington, D.C. 20590

National Institute of Education :

National Institute of Education
1200-19th Street, N.W.
Washington, D.C. 20208

- National Institutes of Health:**
 National Institutes of Health
 9000 Rockville Pike
 Rockville, Maryland 20014
- National Labor Relations Board:**
 National Labor Relations Board
 1717 Pennsylvania Avenue, N.W.
 Washington, D.C. 20570
- National Oceanic and Atmospheric Administration:**
 National Oceanic and Atmospheric Administration
 6010-Executive Blvd.
 Rockville, Maryland 20852
- National Railroad Passenger Corporation:**
 National Railroad Passenger Corporation (AMTRAK):
 955 North L'Enfant Plaza, S.W.
 Washington, D.C. 20024
- National Science Foundation:**
 National Science Foundation
 1800 G Street, N.W.
 Washington, D.C. 20550
- National Security Agency:**
 National Security Agency
 Fort George Meade, Maryland 20755
- National Security Council:**
 National Security Council
 Old Executive Office Building
 Washington, D.C. 20506
- National Transportation Safety Board:**
 National Transportation Safety Board
 800 Independence Avenue, S.W.
 Washington, D.C. 20594
- Navy, Department of the:**
 Department of the Navy
 The Pentagon
 Washington, D.C. 20350
- Nuclear Regulatory Commission:**
 Nuclear Regulatory Commission
 Washington, D.C. 20555
- Occupational Safety and Health Review Commission:**
 Occupational Safety and Health Review Commission
 1825 K Street, N.W.
 Washington, D.C. 20006
- Office of Management and Budget:**
 Office of Management and Budget
 Old Executive Office Building
 Washington, D.C. 20503
- Overseas Private Investment Corporation:**
 Overseas Private Investment Corporation
 1129 20th Street, N.W.
 Washington, D.C. 20527
- Postal Service, U.S.:**
 U.S. Postal Service
 475 L'Enfant Plaza, S.W.
 Washington, D.C. 20260

Prisons, Bureau of:

Bureau of Prisons
320 First Street, N.W.
Washington, D.C. 20534

Public Health Service:

Public Health Service
200 Independence Avenue, S.W.
Washington, D.C. 20201

Railroad Retirement Board:

Railroad Retirement Board
844 N. Rush Street
Chicago, Illinois 60611

Renegotiation Board:

Renegotiation Board
2000 M Street, N.W.
Washington, D.C. 20446

Secret Service:

U.S. Secret Service
1800 G Street, N.W.
Washington, D.C. 20223

Securities and Exchange Commission:

Securities and Exchange Commission
500 North Capitol Street
Washington, D.C. 20549

Selective Service System:

Selective Service System
600 E Street, N.W.
Washington, D.C. 20435

Small Business Administration:

Small Business Administration
1441 L Street, N.W.
Washington, D.C. 20416

Social Security Administration:

Social Security Administration
6401 Security Blvd.
Baltimore, Maryland 21235

State, Department of:

Department of State
Washington, D.C. 20520

Tennessee Valley Authority (TVA):

Tennessee Valley Authority
400 Commerce Avenue
Knoxville, Tennessee 37902

Transportation, Department of:

Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

Treasury, Department of:

Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220

Urban Mass Transit Administration:
 Urban Mass Transit Administration
 400 7th Street, S.W.
 Washington, D.C. 20590
 Veterans Administration:
 Veterans Administration
 Vermont Avenue, N.W.
 Washington, D.C. 20420



END