

PRIVACY ACT OF 1974 OVERVIEW



DA FOI & P DIVISION

AHRC-PDD-FP

COMM: (703) 428-6508, DSN: 328-6508

PRIVACY ACT OF 1974

- **Name:**
- **Home Address:**
- **SSN:**
- **Birthday and Weight:**
- **Any Sexually Transmitted Diseases?**
- **If yes, provide the name(s):**
- **Amount of money earned last year?**
- **Drug or Alcohol Problems?**
- **If yes, provide the name of drug of choice:**

PRIVACY ACT OF 1974 PRESCRIBING DIRECTIVES

- **Within DOD:**

 - DODD 5400.11, DOD Privacy Program**

 - DOD 5400.11-R, DOD Privacy Program**

- **Within the Army:**

 - AR 25-XX, The Department of Army Privacy Act Program**

 - DA PAM 25-51, The Army Privacy Program-System Notices and Exemption Rules**

PRIVACY ACT OF 1974

**Safeguards Against Invasion of
Personal Privacy**

**Access and Amendment Rights of
Your Records**

PRIVACY ACT OF 1974

ROLE

**Collecting, Safeguarding, Maintaining,
Using, Accessing, Amending, and
Disseminating**

PERSONAL INFORMATION

PRIVACY ACT OF 1974

**Only pertains to U.S. citizens and aliens
who have been lawfully admitted for
permanent
residence**



PERSONAL INFORMATION

Intimate or Private to an Individual

Disclosure Could:

Interfere with personal privacy

Cause embarrassment or jealousy

among co-workers

Not a part of official function or public life

SENSITIVE PERSONAL DATA ELEMENTS

Home Address/Telephone #	Date/Place of Birth	Social Security # (SSN)
Race	Religious Affiliation	Education
College Grades	Type of Leave Taken	Health/Life Insurance
Citizenship	Legitimacy of Children	Details of family fights, reputations or ordeals
Disciplinary Actions	Existence of Investigations	Most misconduct (especially lower-mid level employees)
Criminal History	Reason for Terminations	Sexual Inclinations/Associations
Marital Status	Financial Status/Financial Statement	Union Affiliation
Medical details/conditions	Outside employment	Performance rating/evaluation
Proposed Reduction-in-Force Status	Unsubstantiated Allegations/Accusations	Almost Anything about Law Enforcement Personnel
Office Address/Telephone Number at Sensitive Stations or outside U.S.	Identity of Confidential informants/Witnesses	List of names

NON-SENSITIVE PERSONAL DATA ELEMENTS

Full Name*	Office/Duty Telephone *	Present/Past Duty Stations*
Finalized future Duty Stations*	Rank & Date of Rank *	Source of Commission
Promotion Sequence No.	Military Awards/Decorations	Military Schools
Advanced Degrees	Military duties	Position Description
Gross Pay	Annual Salary (base plus awards, allowances & differentials)	Present/Past Positions Title, Grade, Series
Performance Standards	Non-Government Position used to Qualify for Current Position	
*Protect when personnel are assigned to sensitive, routinely deployable units or stations in foreign territories		

PRIVACY ACT RECORDS

Any item, collection, or group of information about an individual that includes an individuals' personal identifier and is under a Federal agency custody and control.

PRIVACY ACT RECORDS

- **Official Personnel File (OPF)**
- **Notification of Personnel filed in folder labeled with employee's name**
- **Time & Attendance records**
- **Form Flow software application**
- **Database containing home address & telephone information**
- **Personnel file labeled with the employee's name**

NOT PRIVACY ACT RECORDS

- **Disciplinary letters filed in chronological order in a folder labeled “Disciplinary Actions”**
- **Recruitment records filed under a vacancy announcement number**
- **Time & Attendance forms filed by pay period**
- **Memory joggers/Supervisor’s notes**

PRIVACY ACT OF 1974

Limited in scope only pertains to information which is maintained in

a system of records.



PRIVACY ACT SYSTEM OF RECORDS

**Group of paper files, electronic files, or a
database that contains information about
individuals**

AND

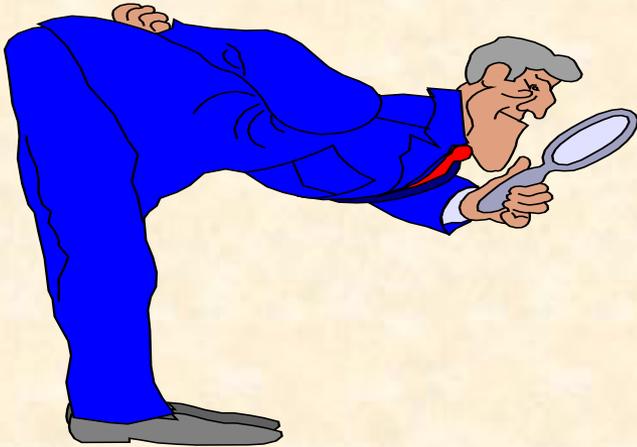
**retrieved by using a specific individual's
name or other personal identifier**

PRIVACY ACT OF 1974 RETRIEVAL PRACTICES

**It is not sufficient that an activity has the
CAPABILITY to retrieve information under
a person's name or personal identifier**

BUT

**The activity must IN FACT retrieve records in
this way in order for a system
of records to exit.**

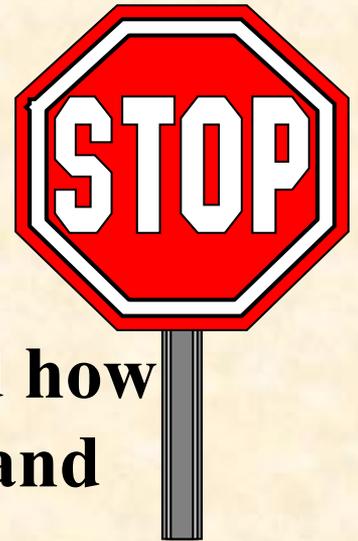


PRIVACY ACT OF 1974 SYSTEM OF RECORDS NOTICE

- **Formal notice published in the Federal Register**

Thirty (30) days

- **Explains who holds what records and how the records are created, maintained, and used**



PRIVACY ACT OF 1974

SYSTEMS OF RECORDS NOTICES PROGRAM



PRIVACY ACT SYSTEM OF RECORDS

**Group of paper files, electronic files, or a
database that contains information about
individuals**

AND

**Information about specific individuals
retrieved using their name or other
personal identifier.**

PRIVACY ACT SYSTEMS OF RECORDS NOTICES REQUIREMENTS



Before an Army activity
may begin to collect personal information
or use a new system of records.....
advance public notice must be publish in
the Federal Register for public comment.



PRIVACY ACT

SYSTEMS OF RECORDS NOTICES

TYPES

- **1.INTERNAL – Owned by each agency**
- **2.GOVERNMENT-WIDE**
 - Agencies can use the notices**
 - OPM retains some authority, e.g. appeals**
 - Examples are OPM, FEMA, GSA and Labor**
- **3.CENTRAL – Belongs to OPM**
 - OPM has full responsibility**
 - Agencies may maintain copies**
 - Examples are OPM/GOVT-1, Personnel Records**

PRIVACY ACT SYSTEM OF RECORDS NOTICE PROCESSING TIMEFRAME

- **Two weeks... for DA Privacy Office review**
- **Two to four weeks... for Defense Privacy Office coordination**
- **Two weeks... for OASD (Legislative Affairs) and DoD General Counsel coordination**
- **Forty days...for OMB and Congress to review**
- **Thirty days... once printed in Federal Register for public comments**

PRIVACY ACT

SYSTEM OF RECORDS NOTICE

REQUIRED DATA ELEMENTS

System Name and Number: The system identifier must appear on all system notices and is limited to 21 positions, including Component code, file number and symbols, punctuation, and spacing.

System Location:

- a. For systems maintained in a single location provide the exact office name, organizational or element that maintains a segment of the system.
- b. For geographically or organizationally decentralized systems. Specify each level of organization or element that maintains a segment of the system.
- c. For automated data systems with a central computer facility and input/output terminals at several geographically separated locations, list each location by category.
- d. When multiple locations are identified by type of organization, the system location may indicate that official mailing addresses are contained in an address directory published as an appendix to the Component system notices in the Federal Register. Information concerning format requirements for preparation of an address directory may be obtained from the project officer.
- e. If no address directory is used or the addresses in the directory are incomplete, the address of each location where a segment of the records system is maintained must appear under the "System Location" caption.
- f. Classified addresses are not listed, but the fact that they are classified is indicated.
- g. Use the standard U. S. Postal Service two letter state abbreviation symbols and zip codes for all domestic addresses.

PRIVACY ACT

SYSTEM OF RECORDS NOTICE

REQUIRED DATA ELEMENTS (con't)

Categories of Individuals Covered by the System:

- a. Set forth the specific categories of individuals to who records in the system pertain in clear, easily understood, nontechnical terms.
- b. Avoid the use of broad over-general descriptions, such as “all Army personnel” or “all military personnel” unless this actually reflects the category of individuals involved.

Categories of Records in the System:

- a. Describe in clear, nontechnical terms the types of records maintained in the system.
- b. Only documents actually retained in the system of records shall be describe, not source documents that are used only to collect data and then destroyed.

PRIVACY ACT

SYSTEM OF RECORDS NOTICE

REQUIRED DATA ELEMENTS (con't)

Authority for Maintenance of the System:

a. Cite the specific provision of the federal statute or Executive Order that authorizes the maintenance of the system.

b. Include with citations for statutes the popular names, when appropriate (for example, Title 51, United States Code, Section 2103, Tea-Tasters Licensing Act”), and for Executive Orders, the official title (for example, Executive Order No. 9397, “Numbering System for Federal Accounts Relating to Individual Persons”).)

c. Cite the statute or Executive Order establishing the Component for administrative housekeeping records.

d. If the Component is chartered by a DOD Directive, cite that Directive as well as the Secretary of Defense authority to issue the Directive. For example, “Pursuant to the authority contained in the National Security Act of 1947, as amended (10 U.S.C. 133d), the Secretary of Defense has issued DOD Directive 5105.21, the charter of the Defense Intelligence Agency (DIA) as a separate Agency of The Department of Defense under his control. Therein, the Director, DIA, is charged with responsibility of maintaining all necessary and appropriate records.”

PRIVACY ACT

SYSTEM OF RECORDS NOTICE

REQUIRED DATA ELEMENTS (con't)

Purpose(s):

- a. List the specific purposes for maintaining the system of records by the Component.
- b. Include the uses made of the information within the Component and the Department of Defense (so-called “internal routine uses”).

Routine Uses of Records Maintained in the system, including categories of users and the purposes of such uses:

- a. Routine uses are disclosure of a record outside DOD without consent of the subject individual for a use that is compatible with the purpose for which the information was collected and maintained by DA. The blanket routine uses that appear at the beginning of each Component compilation apply to all systems notice unless the individual system notice specifically states that one or more of them do not apply to the system. List the blanket routine uses at the beginning of the Component listing of system notices.
- b. For all other routine uses, when practical, list the specific activity to which the record may be released, to include any routine automated system interface (for example . “to the Department of Justice, Civil rights Compliance Division,” “ To the Veterans Administration, Office of Disability Benefits,” “To state and local health agencies”).
- c. For each routine user identified, include a statement as to the purpose or purposes for which the record is to be release to that activity.
- d. Do not use general statements, such as “To other federal agencies as required” or “To any other appropriate federal agency”.

PRIVACY ACT

SYSTEM OF RECORDS NOTICE

REQUIRED DATA ELEMENTS (con't)

Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System: storage; retrievability; safeguards; retention and disposal.

a. **Storage.** Indicate the medium in which the records are maintained. (For example, a system may be “automated, maintained on magnetic tapes or disks,” manual, maintained in paper files, “ or “hybrid, maintained in a combination of paper and automated form.”) Storage does not refer to the container or facility in which the records are kept.

b. **Retrievability.** Specify how the records are retrieved (for example, name and SSN, name) and indicate whether a manual or computerized index is required to retrieve individual records.

c. **Safeguards.** List the categories of Component personnel having immediate access and those responsible for safeguarding the records from unauthorized access. Generally identify the system safeguards (such as storage in safes, vaults, locked cabinets or rooms, use of guards, visitor registers, personnel screening, or computer “fail safe” systems software). Do not describe safeguards in such detail as to compromise system security.

d. **Retention and Disposal.** Indicate how long the record is retained. When appropriate, also state the length of time the records are maintained by the Component, when they are transferred to a Federal Records Center, length of retention at the Records Center and when they are transferred to the National Archivist or are destroyed. A reference to a Component regulation without further detailed information is insufficient.

PRIVACY ACT

SYSTEM OF RECORDS NOTICE

REQUIRED DATA ELEMENTS (con't)

System Manager(s) and Address:

- a. List the title and address of the official responsible for the management of the system.
- b. If the title of the specific official is unknown, such as for a local system, specify the local commander or office head as the systems manager.
- c. For geographically separated or organizationally decentralized activities for which individuals may deal directly with officials at each location in exercising their rights, list the position or duty title of each category of officials responsible for the system or a segment thereof.
- d. Do not include business or duty addresses if they are listed in the Component address directory.

Notification Procedure.

- a. If the record system has been exempted from subsection (e)(4)(3) of the Privacy Act.
- b. For all nonexempt systems, describe how an individual may determine if there are records pertaining to him or her in the system. The procedural rules may be cited, but include a brief procedural description of the needed data. Provide sufficient information in the notice to allow an individual to exercise his or her rights without referral to the formal rules.
- c. As a minimum, the caption shall include:
 - (1) The official title (normally the system manager) and official address to which the request is to be directed;
 - (2) The specific information required to determine if there is a record of the individual in the system
 - (3) Identification of the offices through which the individual may obtain access; and
 - (4) A description of any proof of identity required.

PRIVACY ACT

SYSTEM OF RECORDS NOTICE

REQUIRED DATA ELEMENTS (con't)

Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System: storage; retrievability; safeguards; retention and disposal.

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PRIVACY ACT

SYSTEM OF RECORDS NOTICE

REQUIRED DATA ELEMENTS (con't)

Record Access Procedures:

- a. If the record system has been exempted from subsection (e)(4)(3) of the Privacy Act.
- b. For all nonexempt systems, describe how an individual may determine if there are records pertaining to him or her in the system. The procedural rules may be cited, but include a brief procedural description of the needed data. Provide sufficient information in the notice to allow an individual to exercise his or her rights without referral to the formal rules.
- c. As a minimum, the caption shall include:
 - (1) The official title (normally the system manager) and official address to which the request is to be directed;
 - (2) The specific information required to determine if there is a record of the individual in the system.
 - (3) Identification of the offices through which the individual may obtain access; and
 - (4) A description of any proof of identity required

Contesting Procedures:

- a. If the record system has been exempted from subsection (e)(4)(H) of the Privacy Act.
- b. For all nonexempt systems of records, state briefly how an individual may contest the content of a record pertaining to him/her in the system.
- c. The detailed procedures for contesting record accuracy, refusal of access or amendment, or initial review and appeal need not be included if they are readily available elsewhere and can be referred to by the public.

PRIVACY ACT

SYSTEM OF RECORDS NOTICE

REQUIRED DATA ELEMENTS (con't)

Record Source Categories:

- a. If the record system has been exempted from subsection (e)(4)(I) of reference (b).
- b. For all nonexempt systems of records, list the sources of the information in the system.
- c. Specific individuals or institutions need not be identified by name, particularly if these sources have been granted confidentiality.

Exemptions Claimed for the System:

- a. If no exemption has been claimed for system, indicate "None."
- b. If there is an exemption claimed indicate specifically under which subsection of reference (b) it is claimed.
- c. Cite the regulation and CFR section containing the exemption rule for the system. (For example, "Parts of this record system may be exempt under 5 USC Sections 552a(k)(2) and (5) as applicable.

PRIVACY ACT

SYSTEM OF RECORDS NOTICE

EXAMPLE

- **A0037-1 MTMC**

- **System name:**

Defense Travel System (DTS) (March 12, 1999, 64 FR 12291).

- **System location:**

TRW Systems and Information Technology Group, 12900 Federal Systems Park Drive, FPI/6133, Fairfax, VA 22033-4411. Archived/Management Information System travel records are located at the Defense Manpower Data Center, DOD Center, Monterey Bay, 400 Gigling Road, Seaside, CA 93955-6771.

- **Categories of individuals covered by the system:**

DOD civilian personnel, military active duty personnel, Military Reserve personnel, and Army and Air National Guard personnel; and other individuals that travel on DOD travel orders.

- **Categories of Records Covered by the System:**

Records located at TRW consist of the traveler's name, traveler's initial travel arrangements, trip record number, traveler's Social Security Number, home address, government credit card account numbers, traveler's personal checking and/or saving account numbers, travel itinerary, estimation of cost of trip, commitment of travel funds, actual payment of travel funds, and supporting documentation.

Archived/Management Information System records consist of completed trip records, record number, traveler's name, Social Security Number, authorized arrangements and cost, reimbursement claim, the actual costs of lodging, meals and modes of transportation used, actual arrival/departure times, and approved payment.

- **Authority for Maintenance of the System:**

5 U.S.C Chapter 57, Travel, Transportation, and Subsistence; 10 U.S.C. 135, Under Secretary of Defense (Comptroller); 10 U.S.C 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 8013, Secretary of the Air Force; DOD Directives 7000.14-R; and E.O. 9397 (SSN).

PRIVACY ACT

SYSTEM OF RECORDS NOTICE

EXAMPLE (con't)

- **Purpose(s):**

To provide a DOD-wide travel management process which will cover all official travel, from pre-travel arrangements to post-travel payments, to include the processing of official travel requests for DOD personnel, and other individuals who travel pursuant to DOD travel orders; to provide for the reimbursement of travel expenses incurred by individuals while traveling on official business; and to create a tracking system whereby DOD can monitor the authorization, obligation, and payment for such travel.

To establish a repository of archived/Management Information System (MIS) travel records which can be used to satisfy reporting requirements; to assist in the planning, budgeting, and allocation of resources for future DOD travel; to conduct oversight operations; to analyze travel, budgetary, or other trends; to detect fraud and abuse; and to respond to authorized internal and external requests for data relating to DOD official travel and travel related services.

- **Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DOD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To Federal and private entities providing travel services for purposes of arranging transportation and lodging for those individuals authorized to travel at government expense on official business.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

- **Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System:**

- **Storage:**

The records are maintained on electronic storage media.

PRIVACY ACT

SYSTEM OF RECORDS NOTICE

EXAMPLE (con't)

- **Notification Procedure:**

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to Headquarters, Military Traffic Management Command, ATTN: MTIM-IP (Privacy Act Officer), 5611 Columbia Pike, Falls Church, VA 22041-5050.

Individual should provide full name, Social Security Number, and office or organization where assigned when trip was taken.

- **Record Access Procedures**

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to Headquarters, Military Traffic Management Command, ATTN: MTIM-IP (Privacy Act Officer), 5611 Columbia Pike, Falls Church, VA 22041-5050.

Individual should provide full name, Social Security Number, and office or organization where assigned when trip was taken.

- **Contesting Record Procedures**

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340-21; 32 CFR part 505; or may be obtained from the system manager.

- **Record Source Categories**

From individuals and related travel voucher documents.

- **Exemptions Claimed For the System:**

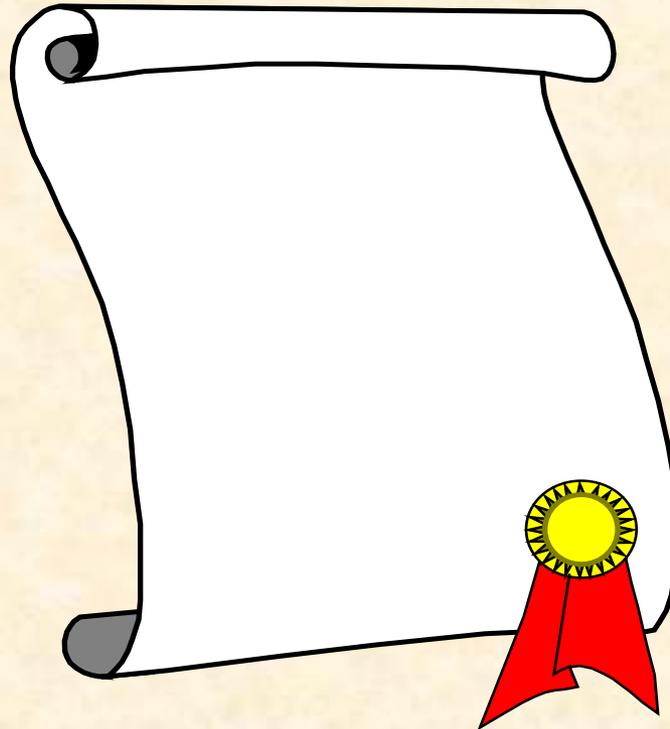
None.

PRIVACY ACT OF 1974

COLLECTION

- **Authorized under Statute or Executive Order**
- **Needed for official business**
- **Collect from subject whenever possible**
- **Provide a Privacy Act Statement**

PRIVACY ACT STATEMENTS



PRIVACY ACT STATEMENTS

**DA Forms, Personal Interviews,
Or
Other Personal collection methods**

PRIVACY ACT STATEMENT

EXAMPLE

AUTHORITY: 10 U.S.C. Section 3013, Secretary of the Army; Army Regulation 600-20, Army Command Policy and E.O. 9397 (SSN).

PRINCIPAL PURPOSE(s): To provide a means for filing a complaint based on discrimination due to race, color religion, gender, or national origin.

ROUTINE USE(S): None. The "Blanket Routine Uses" set forth at the beginning of the Army's Compilation of Systems of Record Notices also applies to this system.

DISCLOSURE: Voluntary. However, failure to provide all the requested information could lead to rejection of complaint for inadequate data.

PRIVACY ACT OF 1974 SAFEGUARDS

- **Restrictive marking media:
“FOR OFFICIAL USE ONLY - Privacy Act of
1974 Applies”**
- **Secure documentation when not monitored**
- **Personal PC - Use Passwords/Screen Savers**
- **Restrict access to databases**

PRIVACY ACT OF 1974 MAINTENANCE

- **Randomly filed information**
 - Secure from Unauthorized Access**
 - Restrictive Marking Required**
- **Information retrieved**
 - Accurate; Relevant; Timely; Complete**

PRIVACY ACT OF 1974

ACCESS

- **Need-to-Know**
- **System of record notice authorizes access for intended use**
- **Routine Uses(s) identify in a system of records notice**

PRIVACY ACT OF 1974 AMENDMENT

- **No amendment rights - Randomly filed information**
- **Applicability - Information retrieved using a name, SSN, or other personal identifier**
- **Individual's Rights – Correct nonfactual information**

PRIVACY ACT OF 1974 DISSEMINATION

- **Required under Freedom of Information Act**
- **Authorized by the Privacy Act of 1974**

PRIVACY ACT OF 1974 EXEMPTIONS

Ten Exemptions

- **One Special Exemption - 5 U.S.C. 552a(d)(5)**
- **Two General Exemptions -5 U.S.C. 552a(j)**
Only applicable if cited in System of Records Notice
- **Seven Specific Exemptions - 5 U.S.C. 552a(k1)-(k7)**
Only applicable if cited in System of Records Notice

SPECIFIC EXEMPTIONS

5 U.S.C. 552a(k1)-(k7)

- **Classified by Executive Order - (k)(1)**
- **Law Enforcement Material - (k)(2)**
- **Protective Services - (k)(3)**
- **Statistical Records - (k)(4)**
- **Background Employment Investigations - (k)(5)**
- **Qualification Testing/Exam Material - (k)(6)**
- **Evaluation for Armed Services Promotion - (k)(7)**

CRIMINAL PENALTIES

- **Applies to individuals – NOT agency**

“Knowingly and Willfully”

- **Disclose Protected Records**
- **Maintain a System of Records w/o meeting the publishing requirement**
- **Request or obtain access to another individual records under false pretenses**

Misdemeanor & Fine Up to \$5,000.00

CIVIL REMEDIES

- **Applies to agency – NOT individuals**
- **Plaintiff must first exhaust administrative remedies**
- **Plaintiff must show:**
 - A violation of the Privacy Act**
 - The violation was “Knowingly and Willfully”**
 - Suffering an adverse effect as a result**

GENERAL RULE

NO DISCLOSURE

OF AN INDIVIDUAL'S RECORD

WITHOUT

HIS/HER PRIOR WRITTEN CONSENT

TWELVE EXCEPTIONS FOR DISCLOSURE

- **1.WHEN REQUIRED BY FOIA**
- **2.FOR A ROUTINE USE**
- **3.NEED TO KNOW WITHIN AN ACTIVITY**
- **4.CENSUS BUREAU**
- **5.STATISTICAL RESEARCH**
- **6.THE NATIONAL ARCHIVES**
- **7.LEGITIMATE LAW ENFORCEMENT ACTIVITY**
- **8.PROTECT THE HEALTH OR SAFETY OF AN INDIVIDUAL**
- **9.CONGRESS**
- **10.THE COMPTROLLER GENERAL**
- **11.PURSUANT TO A COURT ORDER**
- **12.A CONSUMER REPORTING AGENCY**

DISCLOSURE LOG

- **MAINTAIN LOG OF DISCLOSURES, EXCEPT WHEN RELEASING:**
 - **INTRA-AGENCY**
 - **UNDER FOIA**
 - **FOR LAW ENFORCEMENT**
- **5 YEARS AFTER DISCLOSURE**
- **INDIVIDUAL HAS ACCESS**

SYSTEM MANAGER RESPONSIBILITIES

- **Ensure records are Accurate, Relevant, Timely, and Complete**
- **Grant Access & Amendment Requests**
- **Establish Rules Of Conduct for personnel handling privacy records**
- **Supervise creation and maintenance of Privacy Act system of records**

WEBSITES

DEFENSE PRIVACY OFFICE

- <http://www.defenselink.mil/privacy>

FEDERAL REGISTER

- <http://www.gpoaccess.gov/index.html>

DOJ PRIVACY ACT OVERVIEW

- http://www.usdoj.gov/04foia/04_7_1.html

SUMMARY

- **Makes every Federal employee responsible! !!**
- **Restricts collection, use, and retention of personal information**
- **Defines individual rights to personal information**
- **Penalties for Violations**

SOCIAL SECURITY NUMBER (SSN)

How secure is it?

When the SSN was first issued in 1936, the Federal Gov't assured the public that its use would be limited to SS programs.

Why keep it private?

Banks and credit card companies are reporting an increase in SSN related fraud.

Am I required to give it to Gov't agencies?

It depends on the agency. The IRS requires it (42 USC 405). Other agencies may request it in such a way that you are led to believe you must provide it.

The PA requires all government agencies to tell you if you are required to provide it. (Privacy Act Statement)

SOCIAL SECURITY NUMBER (SSN) (con't)

Do I have to provide my SSN to private businesses?

You are not legally compelled to do so. There is no law that prevents businesses from requesting your SSN and there are few restrictions on what businesses can do with it.

Why do financial transactions require the SSN?

The IRS uses the SSN as a taxpayer ID number. SSNs are required on any transaction the IRS is interested in (i.e. banking, stock market)

“It is unlawful for any Federal, State, or local governmental agency to deny an individual any right, benefit, or privilege provided by law because the individual refuses to provide his or her SSN. However, if a Federal statute requires that the SSN be furnished or if the SSN is required to verify the identity of the individual in a system of records that was established and in use before January 1, 1975, and the SSN was required as an identifier by a statute or regulation adopted before that date, this restriction does not apply”.

QUESTIONS?