

**Forest Service Handbook
National Headquarters - Washington Office
Washington, DC**

**Forest Service Handbook 6209.13 – Freedom of Information Act/Privacy Act Handbook
Chapter 20 - Privacy Act of 1974**

Amendment: 6209.13-1994-1

Effective date: December 08, 1994

Duration: This amendment is effective until superseded or removed.

Approved by: Jack Ward Thomas, Chief

Date approved:

Responsible Staff:

Last Change:

Superseded Document(s): 6209.13-91-2, October 17, 1991; 1, February 1988; New, March 1986; Title page, 00--1 thru 27.2, ID 6209.13-94-1, ID 6209.13-94-2

Digest: Following is an explanation of the changes throughout the directive by section.

Zero Code: Makes minor editorial formatting changes throughout the chapter. Adds definitions for Attorney Work Product and Incident Investigation Documents, formerly in interim directives 6209.13-94-2.

11: Revises exhibit 02 to address situations on when to release records.

11.1 - 11.66: Adds direction in section 11.1 concerning application of Exemption 2 to release information related to an agency's personnel rules and practices. Recodes direction on Exemption 3 to section 11.2 (formerly section 11.1); Exemption 4.

11.22: Adds paragraph on requirements of National Historic Preservation Act of 1966 pertaining to Cultural Resource Information.

11.4: Adds direction concerning the application of exemption 5 to documents related to incident investigations, formerly in interim directive 6209.13-94-2.

11.53: Removes direction concerning application of Exemption 6 to Use of Information for Political Purposes (formally section 11.43) and retains and revises direction on Use of Information for Commercial Solicitation.

11.7: Adds a new section to address direction on the foreseeable harm standard.

12.33 - 12.35: Adds a new section with procedures for releasing documents to Congress (section 12.33) and recodes subsequent section 12.34, Permitting Requester Access to Original Records (formerly section 12.33) and section 12.35, Creation of New Records (formerly section 12.34).

12.5: Revises direction on determining the date of receipt of a request or appeal.

13.04: Incorporates direction in Interim Directive 6209.13-94-1 which adds the delegated authority for signing Freedom of Information Act requests for law enforcement records to the Regional Special Agents in Charge and the Washington Office Staff Director of Law Enforcement and Investigations.

14.1: Adds direction for responding to a request for a list that requires a search through a unit's personnel folders.

14.73 - 14.73a: Revises criteria for non-profit organization status as related to fee waiver.

14.9: Clarifies billing procedures for search and duplication fees.

16.04 - 16.04b: Recodes reporting responsibilities of agency officials (formally in section 16.1 - 16.2).

20.4 - 20.43: Adds Privacy Act responsibilities for Freedom of Information Act/Privacy Act Officers in the Washington Office (section 20.41a); Field Units (section 20.41b); System Managers (section 20.42); and Employees (section 20.43).

21.3: Revises exhibit 01 - Forest Service Privacy Act Systems of Records.

22.1 - 22.4: Adds direction in section 22.1 on special exemption under Privacy Act to address information related to a civil action or proceeding and recodes subsequent sections 22.2, Two General Exemptions (formerly section 22.1); 22.3, Specific Exemptions (formerly section 22.2); and 22.4, Obtaining Exemption (formerly section 22.3).

24.63: Adds instruction for transmitting correspondence related to access and amendment of records.

27 - 27.1: Removes direction on obsolete Form OF-203, Privacy Act Information Request (formerly section 27.1). Recodes direction to section 27 on submission of Report FS-6200-F, Privacy Act Biennial Report (formerly this was an annual report and direction was in section

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27.3). Revises samples of responses and recodes exhibits to section 27.1 (formerly section 27.2).

This Handbook is now available electronically in the National Information Center in the same format as the paper copy. Henceforth, amendments to this Handbook will be issued to Forest Service units electronically on a document basis.

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20.4 - Responsibility

20.41 - Freedom of Information Act/Privacy Act Officer

20.41a - Washington Office

(FSM 6270.41).

20.41b - Field Unit

(FSM 6270.42).

20.42 - System Manager

(See sec. 05 for the definition of system manager for a system of records under the Privacy Act.)
In addition to the responsibilities in section 20.42, system managers are responsible for:

1. Ensuring that employees with access to the system of records are made aware of requirements of this section and the criminal penalties explained in section 21.6.
2. Assessing the legality, need, and relevance of information in proposed systems of records and information collections and processing requests for records as specified in sections 24 and 25.

20.43 - Employees

Employees whose duties require handling records subject to the act are responsible for:

1. At all times, protecting the integrity, security, and confidentiality of these records;
2. Not inadvertently disclosing information and violating the act by discussing cases in public or private with employees, families, friends, or others who have no need to know; and
3. Keeping all private information in secure storage when not in use during office hours and complying with requirements for electronic data storage (sec. 24.52).

21 - Systems of Records

For the most part, the Privacy Act of 1974 (PA) addresses records containing personal information about individuals. The act concerns the rights of individuals and does not cover the rights of proprietorships, businesses, and corporations. See definition in section 05. All Forest Service records containing personal information about individuals must be maintained in accordance with the act.

21.1 - Establishing a New System of Records

A new system of records is one for which no public notice is currently published in the Federal Register, or a system of records that is withdrawn or terminated and subsequently reinstated. Before any system of records is installed that involves collecting information about individuals, a notice must be approved by the Office of Management and Budget and then published in the Federal Register for public comment at least 30 days prior to the collection or disclosure of a record. To allow time for this process, forward all proposed new systems of records to the appropriate Washington Office staff at least 75 calendar days before:

1. Issuing data-collection forms and/or instructions or
2. Publicly issuing a request for proposals or an invitation for bids for computer communications systems or services to support the system of records.

Submit a draft of the proposed new record system (ex. 01) to the concerned Washington Office functional staff for review to determine:

1. The adequacy of content and format and
2. Whether other units have similar systems that should be combined with the proposed one.

Support the draft by a narrative statement, normally not exceeding four pages, which covers:

1. The purpose(s) of the system of records.
2. The authority under which the system of records is to be maintained, explaining how this system relates to the purpose of that authority.
3. An evaluation of the probable or potential effects of such a proposal on the privacy rights of individuals.
4. A brief description of steps taken to minimize the risk of unauthorized access to the system of records.
5. The cost of establishing and maintaining the record system.

The Washington Office functional staff revises the proposed draft to comply with the format in exhibit 01. The staff then submits the proposed system of records to the Information Systems Privacy Act Officer and Federal Register Officer, who submit it to the Department's Office of Governmental and Personal Affairs and the Office of Management and Budget (OMB). After approving the proposed system of records, OMB sends the notice to the National Archives and Records Administration (Office of the Federal Register), for publication in the Federal Register.

21.1 - Exhibit 01

FORMAT FOR PUBLIC NOTICE OF A NEW FOREST SERVICE RECORD SYSTEM

Make the information under each subheading as brief as possible. Follow the order indicated here for each notice. See exhibit 02 for samples of final public notices.

System name: Correlate system name with categories of individuals on whom records are maintained in system.

System location: Specify each address at which system of records is maintained.

Categories of individuals covered by system: Include all categories of individuals on whom records are maintained in system.

Categories of records in system: Briefly describe type of information in system.

Authority for maintenance of system: Identify specific statutory provision or executive order which authorizes Agency to solicit information.

Routine uses of records maintained in system, including categories of users and purposes of such uses: Describe each routine use of system, as defined in section (a) (7) of Act, including category of users and purpose of each use.

Policy and practices for storing, retrieving, accessing, retaining, and disposing of records in system: Provide descriptions for following subheadings:

Storage: Medium in which records are maintained (paper or electronic).

Retrievability: How system is indexed (by name, identification number, and so forth).

Safeguards: Measures taken to prevent unauthorized disclosure of records (physical security or personnel screening).

Retention and disposal: How long records are maintained, and how disposal is made.

System manager(s) and address: Title and business address of Agency official responsible for system policies and practices outlined above.

Notification procedure: Address of Agency office to which inquiries should be addressed and address or location at which individuals may present request as to whether system contains records about them. Include identifying information that individuals are required to provide for Agency to ascertain whether or not system contains their record.

Record access procedures: Means by which individual can obtain information on procedures for gaining access to records. For example, mailing address of officials from whom individual may seek information.

Contesting record procedures: Means by which individual can obtain information on procedures for contesting records.

Records sources categories: Description of categories of sources of records in the system.

Systems exempted from certain provisions of the Act: Indicate the authority (public law or other exemption).

21.2 - Publication of Notice

All systems of records are subject to the public-notice provision, based on the concept that no system of records may be kept in secret and no secret use will be made of government files.

21.21 - Altering Existing Systems of Records

Submit a system proposal, as described in section 21.1, for changes to existing systems of records which meet any of the following criteria:

1. Increasing or changing the number or types of individuals on whom records are maintained, when that change significantly alters the character and purpose of the system of records; for example, a system covering a portion of the work force which would be expanded to cover all system managers should not report increases attributed to normal growth patterns.
2. Expanding the type or categories of information maintained; for example, if an employee payroll file is expanded to include educational data.
3. Altering the purpose for which the information is used such as any change of the routine use.
4. Altering the manner in which the records are organized, indexed, or retrieved so as to change the nature or scope of those records; for example, combining two or more existing systems of records, or splitting an existing system into two or more different systems.

21.3 - Forest Service Privacy Act Systems of Records

Systems that have been approved and published in the Federal Register are in exhibit 01.

21.3 - Exhibit 01

FOREST SERVICE PRIVACY ACT SYSTEMS OF RECORDS

21.3 - EXHIBIT 01 IS A SEPARATE DOCUMENT