

**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**Duration:** This amendment is effective until superseded or removed.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**Superseded Document(s):** 6209.13-91-2, October 17, 1991; 1, February 1988; New, March 1986; Title page, 00--1 thru 27.2, ID 6209.13-94-1, ID 6209.13-94-2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.

**27.1 - Exhibit 01**

**United States  
Department of  
Agriculture**

**Forest  
Service**

**R-3**

**Reply to:** 6270-2

**Date:** October 1, 1993

**Subject:** Request for Amendment of Records

**To:** Joan Doe  
Timber Management Staff

We have considered the information in our record system you cited for amendment, as well as the additional information you submitted. We have found insufficient justification to amend your records. (Cite the reason for the refusal to amend.)

The Privacy Act of 1974 (Public Law 93-579) accords you the right to request a review of this refusal to amend. If you desire to request this review, please follow these steps:

1. Request a review by writing to the Chief, USDA, Forest Service, P.O. Box 96090, Washington, DC 20090-6090.
2. Ensure the accuracy of the information you wish substituted in your record. Please attach any additional information that would help us in reviewing the accuracy of the record.

You will receive notification of our receipt of your request for review within 10 working days after its arrival at the above address. The reviewing official will conduct an independent review and respond to your request within 20 working days.

/s/ Dale J. Fabian  
DALE J. FABIAN  
Director, Procurement & Property

Enclosure

**27.1 - Exhibit 02**

**United States  
Department of  
Agriculture**

**Forest  
Service**

**R-3**

**Reply to:** 6270-2

**Date:** October 1, 1993

**Subject:** Request of Samuel Shovel

**To:** John Jones  
Engineering Staff

The above-named requester has asked that we disclose to him information in records we hold concerning you. The attached copy of the Privacy Act Information Request Form provides more details about the request.

The Privacy Act of 1974 (5 U.S.C. 552a) requires that we obtain your written consent prior to disclosing the requested records. Please indicate below if you consent to the requested disclosure, sign and date one copy of this letter, and return it to us.

/s/Dale J. Fabian  
DALE J. FABIAN  
Director, Procurement & Property

Enclosure

(X) I consent to the requested disclosure.  
( ) I do not consent to the requested disclosure.

/s/John Jones  
(Signature)

October 1, 1992  
(Date)

**27.1 - Exhibit 03**

**United States  
Department of  
Agriculture**

**Forest  
Service**

**Cibola  
National Forest**

**Reply to:** 6270-2-2

**Date:** October 1, 1993

**Subject:** Amendment of Record

**To:** Regional Forester, R-3

Our records indicate that the record pertaining to James Williams entitled, "Employee Performance Appraisal," was disclosed to you on September 18, 1992.

This letter notifies you of a correction of that record. The record has been changed as follows:

A corrected copy of the second is attached.

Obliterate or destroy the incorrect information contained in the record we previously furnished to you. Maintain and use the record only in its corrected form.

/s/Chester P. Smith  
CHESTER P. SMITH  
Forest Supervisor

Enclosure

**27.1 - Exhibit 04**

**United States  
Department of  
Agriculture**

**Forest  
Service**

**R-3**

**Reply to:** 6270-2-2

**Date:** October 1, 1993

**Subject:** Amendment of Employee Performance Appraisal

**To:** Joan Doe  
Timber Management Staff

We have verified the information submitted by you and have incorporated it into the record system named above--amending the incomplete or inaccurate information previously in the system.

The record now includes the information listed on the lower part of this letter.

Thank you for aiding us in maintaining a complete and accurate record of your transactions with us. We assure you that all reasonable efforts will be made to keep the record accurate and to forestall any further need on your part to amend this record.

/s/Dale J. Fabian  
DALE J. FABIAN  
Director, Administrative Services

(Amended Information)

**27.1 - Exhibit 05**

**United States  
Department of  
Agriculture**

**Forest  
Service**

**R-3**

**Reply to:** 6270-2-2

**Date:** October 1, 1993

**Subject:** Statement of Disagreement

**To:** Samuel Shovel  
Information Systems Staff

We have received your Statement of Disagreement relating to our record entitled, "Physical capacity and career desires of the employee." The part of the record with which you have disagreed with has been clearly noted. We will require that disclosure of the disputed record to users be accompanied by a copy of your Statement of Disagreement.

You also have the right, under section 3(g) of the Privacy Act of 1974 (Public Law 93-579), to bring a civil action against this agency to require amendment of the record. The United States district court has jurisdiction over these suits.

Thank you for your interest in maintaining accurate information in our records. I regret we could not reach an agreement on the content of information in the record.

/s/Dale J. Fabian  
DALE J. FABIAN  
Director, Administrative Services