

Directive 160.2
3/12/85

PRIVACY ACT

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I.	This Directive:	
PURPOSE	Sets procedures to be followed by officials and employees of the Agricultural Marketing Service (AMS) in accordance with the Privacy Act of 1974 (see Attachment 1).	
II. REPLACEMENT HIGHLIGHTS	This Directive replaces AMS Instruction 160-2, Rev. 2, Privacy Act, dated 4-4-83.	
III. REQUIREMENTS OF THE ACT	The Privacy Act requires agencies to permit individuals to determine what records pertaining to them are collected, maintained, used, or disseminated.	
	A. Information obtained for one purpose generally cannot be used for some other purpose without the	

consent of the person involved.

B. In most cases, individuals must be allowed to gain access to information about themselves, copy the information on file, and correct or amend the records. When a person requests access to information about himself/herself, access shall be granted to all records available under the Privacy Act and the Freedom of Information Act (see AMS Directive 160-1, Freedom of Information).

C. The Privacy Act does not establish a basis for access by an individual to information compiled in anticipation of a civil action or proceeding.

IV. DEFINITIONS

A. Common use is the disclosure of information to officers and employees of the U.S. Department of Agriculture (USDA) who have a need for the information to perform their duties.

B. Routine use is the disclosure and use of information outside USDA or a purpose that is compatible with the purpose for which the information was collected.

C. Individual is a citizen of the United States or an alien lawfully admitted for permanent residence.

D. Record is any item, collection, or grouping of information about an individual that is maintained by an agency including their education, financial transactions, medical history, and criminal or employment history; and that contains their name or an identifying number, symbol, or other identification assigned to the individuals, such as a fingerprint, voice print, or photograph.

E. Personnel record is any record concerning an individual that is maintained and used in the personnel management or personnel policy-setting process.

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F. System of records is any agency records 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. A grouping, or file series of records arranged chronologically or subjectively, which is not retrieved by individual identifier, is not a system of records even though individual information could be retrieved by such an identifier such as a paper-by-paper search. Attachment 2 lists systems of records publicized by the Equal Employment Opportunity Commission, the Merit Systems Protection Board, Office of Personnel Management, USDA's Office of Personnel, and AMS.

G. Records System Manager is the official who is responsible for collecting and maintaining a system of records that includes personal information about individuals,

H. Days do not include weekends and Federal holidays.

V.
RESTRAINTS ON
COLLECTING
AND
MAINTAINING
PERSONAL
INFORMATION

A. Collecting Information Directly From Individuals.

1. The only personal information about individuals that may be collected and maintained is that which is needed to accomplish a purpose required by statute or Executive Order.

2. No record may be maintained that describes how individuals exercise rights guaranteed by the First Amendment (religious and political beliefs, freedom of speech and of the press, and freedom of assembly and petition), unless expressly authorized by statute or by a subject individual about whom the record is maintained; or unless pertinent to and within the scope of law enforcement activity.

3. To the maximlin extent possible, information about an individual must be obtained from that individual.

B. Informing Individuals From Whom Information Is Collected.

When collecting personal infomation from an individual, that individual must be given the "authority, use, and effect" information listed below. If an individual's Social Security Number is requested, either alone or with other personal information, the individual must also be informed whether the disclosure is mandatory or voluntary and given the "authority, use, and effect" information pertaining to solicitation of the Social Security Number. AMS shall insure that the following information is provided by a State or local government with whom it shares a cooperative agreement:

1. The authority that permits the solicitation of the information and whether the disclosure by the subject individual is mandatory or voluntary.

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2 The principal purpose for which the information is intended to be used.

3. The routine uses that may be made of the information.

4. The effects on the individual, if any, of not providing all or any part of the information.

C. Social Security Numbers. No agency shall deny, or permit any State or local government with whom it is involved in a cooperative venture to deny to any individual any rights, benefits, or privileges simply because of the individual's refusal to disclose his/her Social Security Number, unless disclosure was required by law adopted prior to January 1, 1975, to verify identity.

D. Use of Privacy Act Advisory Statements. It is required to advise an individual from whom personal information is solicited and can be met by adding a Privacy Act advisory statement to the form that is used to collect the information or by providing a copy of an advisory statement with the form when it is given to the individual for completion. It is mandatory that such an advisory statement be provided. This tatement must

be given regardless of the medium used in obtaining the information, whether it is a form, survey sheet, questionnaire, report rendered on a blank sheet or card, etc. When information is being collected in an interview, the interviewer must provide the individual with a statement that may be retained. However, the interviewer should also summarize the information before the interview. Attachment 3 has a list of forms to which a Privacy Act advisory statement must be attached before giving the material to the individual to complete.

VI.
NOTIFICATION
AND
PUBLICATION
REQUIREMENTS

Records System Managers must assure that notification and publication requirements are satisfied for all systems of records for which they are responsible.

A. Sixty days before a new system of records or a major change to an existing system of records becomes operational, notify the following, through the Office of the General Counsel (OGC) and the Secretary.

1. Speaker of the House of Representatives.
2. President Pro Tem of the Senate.
3. Office of Management and Budget (OMB).

NOTE: Major change is any alteration in an existing system that will accomplish the following:

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a. Increase the number or types of individuals on whom records are maintained.

b. Expand the type or amount of information maintained.

c. Increase the number or categories of agencies or other persons who may have access to those records.

d. Alter the manner in which the records are organized so as to change the nature or scope of those records, such as combining two or more systems.

e. Modify the way the system operates at its location in such a manner as to alter the procedures that individuals can exercise their rights under the Act.

f. Change the equipment configuration on which the system is operated so as to create the potential for greater access, such as adding a telecommunications capability.

B. Thirty days before a new system, or a major change to an existing system, becomes operational, a notice, cleared by OGC and forwarded by the Secretary, must be published in the Federal Register.

C. Thirty days before adding a routine use to a system, or amending an existing one, an advanced notice of action must be published in the Federal Register and an opportunity provided for interested persons to submit written comments to AMS. Notices must clear OGC and the Secretary.

D. Annually, a notice describing each system of records, cleared by OGC, must be published in the Federal Register.

The notice shall include:

1. Name and location of the system.
2. Categories of individuals on whom records are maintained in the system.
3. Categories of records maintained in the system.
4. Each routine use of the records contained in the system including the categories and purposes of such use.
5. Policies and practices of AMS regarding storage, retrievability, access controls, retention, and disposal of records.
6. Categories of sources of records in the system.

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7. Title and business address of the AMS official who is responsible for the system of records.

8. Agency procedures whereby individuals can be notified, at their request, if the system of records contains a record pertaining to them.

9. Agency procedures whereby individuals can be notified, at their request, how they can gain access to any record pertaining to them contained in the system of records and how they can contest its content.

NOTE: In addition, if, pursuant to 5 U.S.C. 552a(k), a system of records or portions thereof, is exempted, include the specific provisions of the Act from which the system is being exempted and the reason for the exemption. A single explanation may serve to explain the entire exemption.

VII.
RESPONSI-
BILITIES
AND
IMPLEMEN-
TATION

A. The employee serving in the following capacity is designated to serve as AMS Privacy Act Officer:

Director, Information Staff, AMS
Room 3066-South
U.S. Department of Agriculture
Washington, DC 20250
Telephone: (FTS) 447-8998

B. Responsibilities of Privacy Act Officer. The Privacy Act Officer shall:

1. Serve as agency liaison with USDA on Privacy kt.
2. Prepare reports that may be required.
3. Inform the Administrator, Division and Staff

Directors of current Privacy Act policies and procedures.

4. Develop instructions and regulations governing Privacy Act activities in AMS.

5. Evaluate agency systems of records for compliance with provisions of the Privacy Act.

6. Prepare an annual report on Privacy Act activities in accordance with instructions from OMB and USDA.

C. Officials Designated as Records System Managers. These officials are designated as Record System Managers:

Directors of AMS Program and Management Divisions, and Milk Market Administrators.

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D. Responsibilities of Records System Managers. The Records System Manager shall:

1. Assure that the required public notices are made in the Federal Register for all systems of records for which they are responsible (see Section VI, above).

2. Receive and act on requests for access to records containing information about individuals.

3. Allow subject individuals and their representatives to personally examine all information about themselves that is not exempt from disclosure to subject individuals, medical information not potentially harmful, any information compiled in reasonable anticipation of a civil action or proceeding, or to copy or be provided a copy of such information.

4. Grant or deny access to information that may be exempted from disclosure.

5. Coordinate the release of potentially harmful medical or psychological information (see Section XII, below).

6. Grant or deny individuals' requests to amend their records (see Section XIV, below).

7. Inform individuals of the right to request a review of any denial of access or correction of records.

8. Coordinate Privacy Act matters by consulting with the Administrator, the Privacy Act Officer, Division and Staff Directors, and other appropriate officials as required.

9. Notify other agencies or persons of the amended version of an individual's record when required.

10. Require that records containing personal

information about individuals include current and relevant information.

11. Verify the accuracy of the disclosed information.
 12. Maintain complete and accurate records of all actions in response to Privacy Act requests.
 13. Safeguard records containing personal information from unauthorized disclosure or use.
 14. Train employees assigned to their respective Divisions or Staffs in the requirements of the Privacy Act.
 15. Prepare an annual report on Privacy Act activities and submit it to the AMS Privacy Act Officer.
- E. Agency Reviewing Officers. The Department has designated the Administrator as Agency Reviewing Officer for making final determinations on appeals of denials for access to or amendment of personal records. Responsibilities include:
1. Coordinating with OGC before denying an appeal.
 2. Extending the processing time, when necessary, of the 30-day period (20-day period for personnel records) by AMS.
 3. Advising individuals of the denial of amendment of his/her records and his/her right to submit a Statement of Disagreement for filing with such records.
 4. Advising individuals of their right to bring civil suit against AMS for denying an appeal.
- F. Office of Personnel Management (OPM) and USDA Reviewing Officers. The Director of the Personnel Division shall refer all appeals of denials for access or amendment of records, as employees' Official Personnel Folders, to USDA or OPM.

VIII.
FORMS TO
BE USED

Form Letters to be used with Optional Form (OF) 203, Privacy Act Request, are as follows:

- | | |
|-----------|---|
| AMS-203-1 | Notification to subject individual of amendment of record. |
| AMS-203-2 | Notification to agencies and persons about amendment of record. |
| AMS-203-3 | Request to subject individual for consent to disclosure of record. |
| AMS-203-4 | Denial of subject individual's request to amend an agency record and notification of his/her right to appeal the denial. |
| AMS-203-5 | Administrator's notification to subject individuals of their right to file a Statement of Disagreement, and to bring civil action against the |

agency.

- AMS-203-6 Acknowledgement to subject individual of receipt of Statement of Disagreement.
- AMS-203-7 Request to physician for his/her opinion regarding disclosure to subject individual of medical or psychological records.
- AMS-203-8 Request to subject individual to provide name of physician who could review his/her medical or psychological records.

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IX. A. Consent of Individuals Not Required. Information provided by is about themselves may be disclosed by REQUESTS FOR DISCLOSURE OF INFORMATION AMS without their consent only as indicated in Section 3 (b) of the Act. This information may be disclosed as follows:

1. For common use, to those officials and employees of USDA who have a need for the record in the performance of their duties when compatible with the use of the record.
2. For routine use, as printed in the Federal Register.
3. When required under the Freedom of Information Act (5 CFR 293, Subpart C).
4. To a Member of Congress when the request is from the individual's communication with his/her Member.
5. To either House of Congress, or any committee, joint committee, or subcommittee within their jurisdiction.
6. To the Comptroller General of the United States, or any authorized representative, in the course of performance of duties of the General Accounting Office (GAO).
7. To the Bureau of the Census for planning or carrying out a census, survey, or related activity.
8. To the National Archives as an historical record or for evaluation to determine whether the record has value.
9. For law enforcement purposes.
10. For statistical purposes.
11. For emergency purposes under circumstances that affect the health or safety of individuals.
12. In compliance with a court order or other legal process. When this process becomes a matter of public record, an effort must be made to

notify the individuals of the disclosure.

B. Consent of Individuals Required. Except as set forth under paragraph A, above, requests for disclosure of personal information requires the consent of the individuals. The fact that individuals have provided information about themselves does not constitute their consent for subsequent disclosure of that information. The procedures for processing a request for disclosure that requires the consent of the individuals are as follows:

1. The Records System Manager shall:

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a. Document the request by completing Section I of Form OF-203 in original and 3 copies. The original is the agency copy (see Attachment 4).

b. If the request is not accompanied by some form of written consent signed by the individual, prepare Form Letter AMS-203-3 in original and 2 copies, requesting the consent of the individual for disclosure. Send 2 copies of Form Letter AMS-203-3, with a copy of Form OF-203, to the individual.

c. Attach to the original of Form OF-203 all correspondence received from the requester and, if used, 1 copy of Form Letter AMS-203-3. Retain all copies of Form OF-203 in a suspense file pending the return of a copy of Form Letter AMS-203-3 from the subject individual.

2. When Form Letter AMS-203-3 is used, the subject individual shall indicate on the form whether or not he/she consents to disclosure of the requested information, sign and date in the space provided, and return 1 signed copy to the Records System Manager.

3. Upon receipt of the signed copy of Form Letter AMS-203-3, or some other form of written consent, from the subject individual, the Records System Manager shall:

a. Send the first carbon copy of Form OF-203 to the requester, either transmitting the requested-information or explaining that disclosure has been denied by the subject individual (Section II g - Form OF-203).

b. File the original copy of Form OF-203 and the signed-copy of the individual's consent in the files pertaining to the requested record.

c. File the second carbon copy of Form OF-203 in the source administrative files.

C. Accountability for Disclosures. The Records System Mana

1. Record and maintain accountability information for all disclosures for 5 years or the life of the record, whichever is longer, except:

a. Disclosure for common use within USDA.

b. Disclosure required under the FOIA.

2. Provide the individual, at his/her request all accountability information except disclosures to another government agency for law enforcement purposes.

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3. Maintain the following information for each disclosure requiring accountability:

a. The date, nature, and purpose of disclosure.

b. The name and address of the person or agency requesting the information.

4. Use Form OF-203 to record requests for disclosure

X.
REQUESTS
FROM AN
INDIVIDUAL
FOR ACCESS
TO HIS/HER
OWN RECORDS

Every request from an individual for access to his/her own records must be acted upon within prescribed time limits regardless of whether the request is by letter or in person (see paragraph F below). The Records System Manager shall:

A. Document the request by completing Section I of Form OF-203 in original and 2 copies. The original is to be used as the agency copy. The signature of the requester is not required on Form OF-203 unless it will authorize a representative to examine the records or unless there is reason to doubt the identity of the requester.

B. Attach to the original of Form OF-203 any correspondence received from the requester.

C. Respond to the requester within 10 days by completing Section II of Form OF-203 and sending the first carbon copy to the requester for the purpose of:

1. Providing the requester a copy of the subject record or information on where and when the record may be examined.

2. Requesting additional information to assist in identifying the record.

3. Advising the requester that AMS does not maintain the requested information.

4. Advising the requester that the record is exempt from disclosure under law, giving the reference to the statute.

5. Advising the requester that the request cannot be acted on immediately, stating the reason for the delay and when a response may be expected, such as when a record must be retrieved from another location.

6. Denying the request, citing specific justification (see Section XI, below).

7. Advising the requester of the right to appeal to the Administrator or other proper authority a denial for access (see Section VII D).

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D. If it is necessary for the requester to respond, retain the original and the second carbon copy of Form OF-203 in a suspense file until a response is received. If it is not

necessary for the requester to respond, or if a response is not received within 30 days, file the original in the individual's record and the second carbon copy in the administrative files.

E. When the requester responds, process the request as noted in paragraph C, above, and file the original copy of Form OF-203 in the individual's record and the second carbon copy in the administrative files.

F. Complete action as soon as possible after receipt of each specific record inquiry or request for access within 30 days (20 days for personnel records). If this deadline cannot be met, inform the requester, giving the reason for delay and a date when the action will be completed. The Administrator may extend the 20-day period for responses related to personnel records up to an additional 20 days.

XI.
DENIAL OF
ACCESS
TO A RECORD

A. An individual or an authorized representative may be denied access to a record only if:

1. It is compiled in reasonable anticipation of a civil action or proceeding.
2. The record is exempted from disclosure provisions of the Privacy Act, 5 U.S.C. 552a(d), and the Records System Manager has elected to invoke the exemption. The Department records are exempted from disclosure under 7 CFR 1.123 as published in the Federal Register on September 30, 1975 (40 FR*45103), and amended on June 3, 1976 (41 FR 22333). Also, certain personnel records are exempted from access under OPM regulations and are identified in the annual publication of systems of records.
3. The requester refuses to abide by special procedures for gaining access to records.

B. If a record contains exempt and nonexempt information, only the nonexempt portions can be released.

XII.
RELEASE OF
MEDICAL
INFORMATION
TO INDIVIDUAL

Adverse medical and psychological information should not be released to the individual without proper consultation with a physician. Dates, types of inoculations, examinations, and names of physicians may be routinely released to the individual. The Director, Personnel Division, AMS, shall establish procedures in compliance with these provisions to:

A. Coordinate with a USDA physician to assess the potential harm of releasing medical and psychological information.

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B. Obtain from the individual the name of a physician, cleric, family member, or other person willing to receive and review the record to inform the individual of the content.

C. Respond within 10 days to the initial request from the individual for access to medical information, and followup communications within 30 days of initial receipt of request.

D. Record and control all actions by using Form OF-203.

E. Use Form Letter AMS-203-7 and AMS-203-8 when necessary.

XIII.
APPEAL OF
DENIAL OF

The Administrator will make the final determination on appeal of denial for access to a personal record. The Records System Manager and the Privacy Act Officer will assist the

ACCESS TO
RECORDS

Administrator in developing a final determination. Acknowledgement of the appeal should be made within 10 days of its receipt. When access is to be granted, AMS should provide the access within 30 days of the appeal. If AMS is unable to meet the deadline, the requester shall be informed of the reasons for delay and a date when access will be granted. The review procedure is as follows:

A. The Records System Manager shall:

1. Prepare a review case file by adding the appeal of the denial of access to the record copy already on file.
2. Coordinate the review with the Privacy Act Officer, other agency or USDA officials, as required, and prepare a recommendation for consideration by the Administrator.
3. If the decision is made in an individual's favor, follow the procedures in Section X C, above.

NOTE: In the event that the request is denied, the requester shall be notified of the right to seek legal review in Federal Court.

If an individual requests the amendment of a personal record, the Records System Manager shall, within 10 days after receipt of the request, prepare an original and 2 carbon copies of Form OF-203 attach the request for amendment to the original copy, and take the following action:

A. Record Amended as Requested.

1. After amending the record, prepare Form Letter AMS-203-1 in original and 2 copies.
2. Provide the first carbon copy of Form Letter AMS-203-1 to the individual with a copy of the amendment.

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3. File the original copies of Form OF-203 and Form Letter AMS-203-1 in the individual's record, and file the second carbon copy in the office administrative files.

4. Prepare Form Letter AMS-203-2 and provide an amended copy to each person or agency previously notified.

B. Denial of Request To Amend Agency Record.

1. Prepare Form Letter AMS-203-4, in original and 2 copies. Explain why the request is denied and notify the individual of his/her right to appeal to the Administrator.
2. Provide the first carbon copy of Form Letter AMS-203-4 to the requester with a blank Form OF-203 for use in appealing the denial.
3. File the original copies of Form OF-203 and Form Letter AMS-203-4 in the individual's record, and file the second carbon copy in the office administrative files.

C. Determination Must Be Delayed. If a determination cannot be made within 10 days, use Form OF-203 to advise the requester that an additional 30 days is required before a response will

be received (20 days for a personnel record).

D. Request Does Not Adequately Identify Record. If the request does not include enough information to identify the record in question, use Form OF-203 to advise the requester to submit more information. When a response is received, proceed as indicated in paragraphs A, B, or C, above.

E. Action Upon Receipt of Notice of Amendment. Upon receipt of notice of amendment from another agency, follow the instructions under paragraph A 4, above. Also, maintain an accounting of that disclosure (see Section IX C, above), and, the occurrence and substance of the amendment.

XV.
APPEAL OF
DENIED
AMENDMENT

A. Review by the Administrator. The Administrator makes the final determination when an individual appeals a denial of amendment of a record. The Records System Manager and the Privacy Act Officer assists the Administrator in preparing the final determination. The agency has 30 days to respond to the appeal. The Administrator may extend the 30-day period in some cases. The review procedure is as follows:

1. The Records System Manager shall:
 - a. Coordinate the review case with the Privacy Act Officer; the Research and Operations Division, OGC; and other agency or USDA officials, as required; and prepare a recommendation for consideration by the Administrator.

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b. Prepare a review case file by adding the request for review to the record copy material already on file. Dispose of the review case file in accordance with the approved instructions for individual's record, or 3 years after final adjudication by courts, whichever is later.

c. If the Administrator decides in favor of the individual, the Records System Manager shall amend the record and provide the individual with a copy of the amended record, following the procedure in Section XIII A, above.

d. If the Administrator upholds the determination not to amend the record, he/she will use Form Letter AMS-203-5 to notify the individual of his/her right to submit a Statement of Disagreement to include in the record and copied for required distribution, and of his/her right to seek legal action in a District Court to amend the record.

B. Statement of Disagreement. Under the Privacy Act, an individual has the right to submit a Statement of Disagreement if a denial to amend his/her record is upheld by the Administrator. When a Statement of Disagreement is received, the Records System Manager shall:

1. Prepare Form Letter AMS-203-6, in original and 3 carbon copies, to acknowledge receipt of the Statement of Disagreement, and distribute as follows:
 - a. Send the original to the individual.
 - b. File the first carbon copy and the Statement of Disagreement in the individual's record.
 - c. File the second carbon copy and a copy of the

Statement of Disagreement in the review case file.

d. File the third carbon copy and a Statement of Disagreement copy in the office administrative file.

2. Annotate the disputed portions of the record to call attention to the Statement of Disagreement.
3. Provide a copy of the Statement of Disagreement to all non-USDA organizations and individuals to whom the record was disclosed after September 27, 1975.
4. Provide a copy of the Statement of Disagreement with all future disclosures of the record.
5. Determine whether a statement should be prepared to explain the reasons for changing or not changing the record. If a statement is prepared, then file copies and distribute.

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XVI
RIGHTS OF
LEGAL
GUARDIAN

If a court declares a person to be incompetent, the legal guardian, or the parent of a minor, may act on their behalf but does not prevent minors acting on their own behalf.

XVII.
FEES

A. Fee Schedule. An individual may be charged a fee for the duplication of records. The fee rate is set forth in USDA's uniform fee schedule and is applicable to all agencies in USDA. No charge shall be made for:

1. Duplicating material when the fee is under \$3.
2. The first copy of an Official Personnel Folder.
3. Providing a copy of a record when the Records System Manager determines it to be in the best interest of USDA.
4. Providing a copy of a record when it is determined to provide access by sending a copy through the mail.
5. Search and review of records.
6. Any service associated with copies of a record.

B. Payment, Transmittal, and Deposit of Fees. Collect fees in advance or when the records are furnished. It is preferred to collect fees in the form of checks or money orders. Cash can be accepted in response to an office visit.

1. Action To Be Taken By AMS Offices.
 - a. Make payments to the United States Treasury.
 - b. If a fee is estimated to exceed \$50:
 - (1) Prepare Form AMS-541, Statement of Charges, and deliver to the requester.
 - (2) Collect a deposit of 50 percent of the fee before reproducing copies of the requested records.
 - (3) Send the deposit attached to Form AMS-41,

Transmittal of Checks, to:

Fiscal Operations and Systems Branch
 Financial Management Division, AMS
 U.S. Department of Agriculture
 Washington, DC 20250

- (4) Collect the remaining fee before
 furnishing the requested copies.

c. The office collecting a fee shall:

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(1) Prepare Form AMS-41 designating the
 appropriate Subcenter Number to be credited.

(2) Send the fee, with the transmittal, to the
 Fiscal Operations and Systems Branch, Financial Management (FM)
 Division. Do not send cash. Convert all cash to a money order
 made payable to the United States Treasury. Claim the cost of
 money orders on the next travel voucher, Form AD-616.

d. The Fiscal Operations and Systems Branch, FM
 Division, shall deposit the fees to the Miscellaneous General
 Fund Receipt Account, Number 1224110, Fees and Other Charges
 for Administrative and Professional Services, or when permitted
 by law as reimbursement to the appropriate account.

XVIII.
 GOVERNMENT
 CONTRACTORS

When AMS enters into a contract to accomplish an agency
 function, the agency shall, under its authority, apply the
 requirements of this Directive. For purposes of 5 U.S.C.
 552(a)(i), any contractor or his/her employee shall be
 considered an employee of the agency and therefore subject to
 the criminal penalties stated in Section XIV. This applies to
 any contract agreed to on or after September 27, 1975.

XIV.
 PENALTIES
 FOR FAILURE
 TO COMPLY
 WITH
 PROVISIONS
 OF THE
 PRIVACY ACT

A. An officer or employee found guilty of one of the following
 misdemeanors is subject to a fine of not more than \$5,000 when
 one:

1. Willfully maintains a system of records without meeting
 the public notice requirements.
2. Willfully discloses any material in any manner to any
 person or agency not entitled to receive the information.

B. Any person who under false pretenses attempts or succeeds in
 gaining access to an individual's record is guilty of a
 misdemeanor and subject to a fine of not more than \$5,000.

James C. Handley
 Administrator

4 Attachments

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Attachment 1
 AMS Directive 160.2

Attachment 1 - Privacy Act of 1974 is not available
Please refer to the printed copy.

Attachment 2
Directive 160-2
3/12/85

Systems of Records of Particular Interest to AMS, USDA

(Publicized by Equal Employment Opportunity Commission
Merit Systems Protection Board-(MSPB), Office of Personnel
Management (OPM)

References to Federal Register (FR) cites for the last publication
of the complete texts of the system notices are given on Page 2 of
this Exhibit.

	System Number	System Name
EEOC Records (maintained at office in which EEOC complaint originated):	EEOC/GOVT-1	Equal Employment Opportunity Complaint Records and Appeal Records
MSPB Records (maintained at the agency that is party to MSPB proceedings);	MSPB/GOVT-1	Appeal and Case Records
PM Records maintained at point of use):	OPM/GOVT-1	General Personnel Records
	OPM/GOVT-2	Employee Performance File System Records
	OPM/GOVT-3	Records of Adverse Actions and Actions Based on Unacceptable Performance
	OPM/GOVT-4	Executive Branch Public Financial Disclosure Reports and other Ethics Program Records
	OPM/GOVT-5	Recruiting, Examining, and Placement Records
	OPM/GOVT-6	Personnel Research and Test Validation Records
	OPM/GOVT-7	Applicant Race, Sex, National Origin, and Disability Status accords
	OPM/GOVT-8	Confidential Statements of Employment and Financial Interests
	OPM/GOVT-9	File on Position Classification Review Requests (Appeals) and Grade and Pay Retention Appeals
Department Office of Personnel:	USDA/OP-1	Personnel and Payroll System for USDA Employees
	USDA/OP-2	Security Records for USDA Employees
	USDA/OP-3	Committee Management Records System
AMS:	USDA/AMS-1	Employment History Records for Licensed Non-Federal Employees
	USDA/AMS-2	Milk Market Administrators (MMA) Producer Payroll System

Attachment 3
AMS Directive 160-2
3/12/85

Informing individuals of Rights, Benefits, Etc., Under Privacy Act
When Requesting Personal Information

1 When a Federal Agency Solicits Personal Information. Under the Privacy Act of 1974, whenever personal information (including his/her Social Security Number) is solicited from an individual by a Federal agency, he/she must be advised of the following:

- a The authority which permits the solicitation of the information.
- b Whether disclosure by the individual is mandatory or voluntary.
- c The principal purpose(s) for which the information is intended.
- d The routine uses which may be made of the information.
- e The effects on the individual, if any, of not providing all or any part of the information.

2 Advisory Statements on Privacy Rights, Benefits, Etc., of Individuals. Three types of AMS forms have been developed to meet the above requirements:

Form AMS-203, Privacy Act Declaration Sheet - a general advisory statement.

Form AMS-204, Information Regarding Disclosure of Your Social Security Number - for use with forms requesting disclosure of Social Security Number.

Forms AMS-201-10, -11, -12, -18, and -22 (untitled) - specific advisory statements for use with particular forms which solicit personal information.

3 Mandatory Use of Advisory Statements. Page 2 of this Exhibit contains a list of the forms with which the various advisory statements are to be used. It is mandatory that at least one of the advisory statements be attached to each of the forms listed until such time as the forms are revised and the required statements are incorporated. There is no exception to this requirement, regardless of whether a form is provided as a program requirement or in response to an individual's request.

4 Supply of Forms. Forms enumerated above are available from Central Supply except as otherwise indicated on Page 2.

	System Number	System Name
(AMS Con.)	USDA/AMS-3	Perishable Agricultural Commodities Act (PACA) History Files of Principals
	USDA/AMS-4	Administrative proceedings brought pursuant to the authority of section 8c(15)(a) of the Agricultural Marketing Agreement Act of 1937, as amended.

USDA/AMS-5	Court cases brought by the Government pursuant to the following Acts, as amended: Agricultural Marketing Agreement Act of 1937, Agricultural Marketing Act of 1946, Agricultural Fair Practices Act, Cotton Research and Promotion Act of 1966, Egg Research and Information Act of 1974, or the Potato Research and Promotion Act.
USDA/AMS-6	Court cases brought pursuant to the authority of the Agricultural Marketing Agreement Act of 1937, as amended, in which the Government is defendant.
USDA/AMS-7	Subsidiary Personnel and Pay Records
USDA/AMS-8	Court cases brought by the Government pursuant to the following acts: Agricultural Marketing Act of 1946, Egg Products Inspection Act
USDA/AMS-10	Poultry Grading/Inspection Monitoring System

References.

EEOC - 47 FR 18664
 MSPB - 46 FR 32542
 OPM - 45 FR 78428, 47 PR 3232, 47 FR 16489
 USDA/OP - 44 FR 69315, 47 FR 9037
 AMS - 43 FR 51268, 47 FR 12650, 47 FR 26680

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Attachment 4
 AMS Directive 160.2
 3/12/85

Forms Requiring Privacy Act Statements

Before giving any of the forms listed below to an individual for completion, attach one or more (as indicated) of the following Privacy Act advisory statements listed in item 2, above.

Form No.	Title	Attach Form No.
AD-304	Request and Authorization for Allotment of Compensation for income Tax Purposes	AMS-203 & -204
AD-356	Dues Change--Between Locals Within a National Labor organization	AMS-203 & -204
SF-78	Certificate of Medical Examination	AMS-201-11
SF-85	Data for Nonsensitive or Non-critical-Sensitive Position	AMS-201-12
SF-86	Security Investigation Data for Sensitive Position	AMS-201-12
SF-87	Fingerprint Chart (Applicants)	AMS-201-12
SF-2800	Application for Death Benefits	AMS-201-10
SF-2809	Health Benefits Registration Form	AMS-201-10
CA-3	Report of Termination of Total or Partial Disability	AMS-203 & -204
CA-4	Claim for Compensation on Account of occupational Disease	AMS-203 & -204
CA-5	Claim for Compensation by Widow, Widower, and/or	AMS-201-22

CA-5B	Children Claim for Compensation by Parents, Brothers, Sisters, Grandparents# or Grandchildren	AMS-201-22
CA-7	Claim for Compensation on Account of Traumatic Injury	AMS-203 & -204
CA-8	Claim for Continuance of Compensation on Account of Disability	AMS-201-22

Before conducting an Equal Employment Opportunity discrimination
AMS-201-18 complaint interview

1/ Stocked by Equal Employment opportunity Coordinator.

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