

MS 897 Privacy Act Administration

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Issuance Memo (01/07/2013)

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1.0 Purpose

The purpose of this Manual Section is to inform Peace Corps employees, including personal service contractors, of the Privacy Act of 1974 (hereafter referred to as the Act), and of their responsibilities in meeting the requirements of the Act.

2.0 Background

The Act permits individuals to determine what information is maintained by Government agencies about them in Privacy Act systems of records and to permit them access to and an opportunity to correct such records.

The Act requires Federal agencies to publish notices in the Federal Register of systems of records that contain personal data by name or assigned personal identifier and where the individual record can be located.

Peace Corps' regulations are published in the Code of Federal Regulations (CFR) Title 22, Part 308. Peace Corps regulations and current system notices are attached to this Manual Section as Attachments A and B, respectively.

3.0 Policy

The policy of Peace Corps regarding the Privacy Act is to:

- Publish the existence of all systems of records maintained on individuals.
- Maintain the information contained in these systems of records in an accurate, complete, and timely manner.
- Safeguard the information in these systems to permit only those individuals authorized, pursuant to law, to have access to the information.
- Allow individuals access to information maintained on them in these systems within the provisions of the Act.

4.0 Responsibilities

4.1 Director, Office of Administrative Services (M/AS)

The Director of Administrative Services has overall administrative responsibility for Peace Corps' compliance with the requirements of the Act. Specifically the Director has responsibility for the following:

- Obtaining Agency approval; notifying the Office of Management and Budget (OMB) and Congress; and publication in the Federal Register of all new or altered systems of records, new routine uses and any other change requiring notice and publication.
- Distributing Privacy Act information to Peace Corps staff.
- Maintaining records and designing and distributing all forms required to appropriately administer the Act.
- Overall supervision of the security of all record keeping systems and is responsible for monitoring security standards.
- Coordinating with General Counsel to review all new and existing forms and directives to determine whether they meet the requirements of the Act.
- Preparing all recurring and one-time reports as required by the Act for OMB, the Congress, etc.
- Coordinating with General Counsel, to issue written instructions provide guidance and answer staff questions on the requirements and implementation of the Act.
- Assisting any requester so that the request reasonably describes the document or record. Coordinating processing with regard to requests and appeals.
- Answering requests that require obtaining records from more than one office.

4.2 Office of the General Counsel

The Office of the General Counsel is responsible for the following:

- Answering questions regarding legal interpretation and legal adequacy of responses.
- Clearing any new system or change to the Agency's regulations or notices of systems of records.
- Clearing Privacy Act statements for forms and any document that requires the submission of personal data.
- Advising and clearing on all denials, partial denials and unusual or complicated cases.
- In coordination with the Peace Corps' Office of Personnel Management, and the Office of Administrative Services, training employees in regulations, implementation and interpretation of the Act.
- Clearing on reports and correspondence relating to the Act.

4.3 Office Heads and Service Center Directors

Office Heads and Service Center Directors are responsible for the following:

- Ensuring that no new system of records is established or maintained, or alterations are made to existing systems, without proper approval by General Counsel, OMB, and notification in the Federal Register.
- Assuring that reporting and data gathering is authorized by law and that appropriate collection, security, maintenance, housing and dissemination of information meets requirements of the Act.
- Notifying the Office of Administrative Services of any proposal to establish or alter any system of records in order to permit an evaluation of the proposal and final adoption by Congress and the Office of Management and Budget prior to the collection of data.
- Preparing any notification regarding any office system of records for publication in the Federal Register (see paragraph 5.1.).
- Responding to requests when all requested documents or information are maintained by their office in one or more systems of records.
- Ensuring that requested records are furnished within 10 workdays from the receipt of a request, or an interim response if the anticipated response date exceeds 10 workdays.

4.4 Contract Officers (Headquarters, Field, and Overseas) and Contract Managers

Contract Officers at headquarters and in the field are responsible for ensuring that whenever a contract comes within the scope of the Privacy Act, i. e., requires the contractor to establish, or have access to a system of records for or on behalf of Peace Corps, all requirements of the Act and Peace Corps regulations are met. Contracts requiring record maintenance on Peace Corps Volunteers or applicants or other individuals are subject to Privacy Act regulations.

Contract Officers will ensure that:

- No Request for Proposal (RFP) or Invitation to Bid (ITB) is issued prior to approval and adoption of a system of records when a contract involves the collection of personal data for Peace Corps. (In many cases an existing system of records can be used and the initiating office will inform the Contract Officer. If no covering system exists the

Notification/Adoption process must be completed prior to the issuance of the RFP or ITB.)

- Notice of a change in the equipment configuration (i. e., hardware and/or software) on which an existing system is operated is approved and published in the Federal Register.
- When new equipment is being purchased, or will be used in such a manner as to change the operation of an existing system of records, the Notification/Adoption process is completed and any such request is approved by the Director of Information Resources Management (M/IRM).
- The contract agreement includes language pertaining to OMB forms clearance requirements (see MS 890, "Forms Management") and Privacy Act requirements. The Privacy Act requirements include:
 - Properly maintaining systems of records;
 - Identifying the System Manager;
 - Prescribing the disposition of records;
 - Clearly defining the responsibilities of the contractor under subsection (m) of the Act. (For purposes of subsection (m) contractors and their employees are considered employees of Peace Corps and are subject to the Act.)
- Peace Corps' regulations are attached as part of the contract agreement and that contractors are familiar with the requirements of the Act when Privacy Act regulations apply. Upon the awarding of a contract, the Program Manager will make sure that the awardee is instructed regarding Peace Corps policy and requirements of the Act.
- Inactive Privacy Act records are properly disposed of. The close-out procedure will include the completion of Peace Corps Form PC-1592, "Accountability of Contractor Privacy Act Records" (Attachment C). Managers will ensure that Peace Corps documents have been disposed of in accordance with authorized retention standards.

4.5 Systems Managers

The System Manager is responsible for Privacy Act systems of records under his or her control. System notices identify the particular staff position designated as a System Manager (see Attachment B). System Managers are responsible for the following:

- Ensuring that appropriate security is maintained for system records under their control. This includes physical security, access, and security while documents are handled and processed.
- Replying to any questions pertaining to their system, furnishing information for annual and special reports, disposition of records, etc.
- Informing their staff of the requirements of the Act, Agency policy, and security requirements for the records they handle.
- Ensuring that only authorized individuals gain access to records in the system under their supervision.
- Accounting for disclosures.
- Properly labeling containers housing systems of records (See Attachment D).
- Ensuring that information about an individual is relevant and necessary to accomplish the purpose for which Peace Corps acquired the information.
- Ensuring that no extraneous, duplicate or "junk" material is filed in an individual's record.

- Furnishing written responses to written and oral requests and forwarding a copy of the response and request to the Office of Administrative Services, Logistical Support Division (M/AS/LSD) for record and reporting purposes.
- In consultation with the Office Head, recommending any changes to the system of records under their control. This includes determining the type(s) of information that may be maintained in the system of records and the routine uses of the information and to whom it may be disclosed.
- Retiring and disposing of records in their system in accordance with Government requirements. In addition to the disposition of system records, the System Manager is also responsible for records created in administering the Privacy Act. Schedule 14 of the General Records

Schedule (Attachment E) is to be followed in the retention/disposal of Official records requested and for case files created in response to Privacy Act requests.

4.6 Employees

Employees will:

- Ensure that information covered by a Privacy Act system of records or a record that contains personal data is safeguarded, and that unauthorized persons do not obtain information from systems of records;
- Become familiar with Peace Corps policy and the Privacy Act. This will be accomplished by studying Peace Corps' published regulations, attending formal training sessions and from informal training by the System Manager;
- Ensure that information in their care, custody or control is released only in accord with the Privacy Act and Peace Corps regulations.

Willful violation of restrictions of the Privacy Act is a misdemeanor and upon conviction, the individual responsible for the violation may be fined up to \$5,000. In addition, Peace Corps can be sued for damages for violation of the Act and a successful litigant may be awarded damages and attorney fees.

5.0 Privacy Act Systems of Records

Privacy Act systems of records include records that Peace Corps controls, and/or which are collected for Peace Corps. Such records contain personal information about individuals which are accessed by name or any other personal identifier. In accordance with the Privacy Act, Peace Corps is responsible for publicly reporting in the Federal Register all systems of records maintained on individuals by the Agency. Attachment B contains the Agency's Privacy Act records system notices.

No system may be established or substantially changed without the Peace Corps Director's approval; advance notification to OMB, Congress and the public; and final adoption.

5.1 Notification Process for a new or Altered System of Records

Conditions which require the issuance in the Federal Register of a notice of a new or altered system of records are:

- When an Agency proposes the establishment of a new system of records or the altering of an existing system which permits access to records by use of a "personal identifier" as defined in the Privacy Act.
- When an Agency determines that a correction is needed in a previously published notice or the cancellation of a previously published notice is necessary.

Types of changes in existing systems for which notification is required are:

- Any change in the category of individuals on whom records are maintained.
- An expansion in the type of categories of information maintained.
- A change in the organization of the records or the manner in which retrieved which changes the nature or scope of the records.
- An alteration in the purpose for which the information is used.
- A change in the equipment configuration (hardware and/or software) on which the system is operated which improves access.

OMB Circular A-108 explains in detail the documentation, timing and clearances required in issuing a notice prior to any data collection or change of equipment.

The Office Head will prepare the notice which includes the narrative statement and system notice. These should be drafted in accordance with the Federal Register Document Drafting Handbook and OMB Circular A-108. These may be obtained from the Privacy Act Officer, Office of Administrative Services. The completed notice will be submitted to the Privacy Act Officer for review, clearances, and processing through final adoption. After all Agency clearances have been obtained, the Privacy Act Officer will forward the notice to the Director for approval. After approval, the notice will be forwarded to OMB, the Congress, and the Federal Register. (This process can take up to 120 days to final adoption.)

5.2 Maintenance of Privacy Act Records

Any material or records that contain personal information on an individual, whether filed in a system of records or any other Agency file, should be treated in a confidential manner. Distribution of such information should only be to staff members on a need-to-know basis or as authorized by statute, regulation, or a routine use published in the Agency's rules and regulations.

Distribution of forms, documents, and letters containing personal information originated by Peace Corps staff should be made only as necessary.

Forms, documents and letters containing personal information received from outside Peace Corps should be distributed only to those staff members having need of such information.

Contents of records systems should be divulged outside the Agency only for appropriate routine uses as published in the Federal Register and as allowed by Agency regulation under the Privacy Act.

5.3 Routine Uses and Accountability of Disclosures

Routine uses have been established for all Privacy Act system records. The routine uses are contained in each System Notice (Attachment B). General routine uses that may be applicable to a system are listed in the "General Routine Uses" section of the preliminary statement. The individual system notices will state which general routine uses apply to the system. Staff should be familiar with the routine uses applicable to the system of records they work with or are responsible for.

Each System Manager is required to keep a log of all routine records disclosures from his or her system. The purpose of this log is to provide individuals with the disclosures that have been made of their records and provide the necessary information needed to notify recipients of any amendments to the record. Peace Corps Form PC-1594, "Privacy Act Disclosure Log" (Attachment F), is to be used for this purpose. Alternate accountability methods must be cleared by the Privacy Act Officer. The log must be maintained for five years from the date of disclosure, or for the life of the record, whichever is longer.

All subpoenas and law enforcement Agency requests will be delivered or referred immediately to the Privacy Act Officer for processing. All law enforcement requests must be in writing, signed by the head of the requesting Agency or instrumentality, and must be cleared by our General Counsel before processing may begin. Subpoenas will usually be signed by a judge.

6.0 Privacy Act Notices

Whenever a Federal Agency requires an individual to furnish personal information, verbally or on a form, a Privacy Act Notice, sometimes referred to as a Privacy Act statement, is to be furnished. This applies to all requests for personal data and background or reference inquiry, regardless of whether the information is or is not to be filed in a Privacy Act system of records.

The notice must inform the individual about the Privacy Act, the authority for collecting the information, the purpose for which the information will be used, the routine use(s) of the information and the effect on the individual for failure to provide the information. All notices must be approved by the Privacy Act Officer and General Counsel.

Any Peace Corps employee or contractor requesting personal data from individuals must make sure that an approved notice is attached to or is a part of any form used for data collection. (See Attachment G for sample Privacy Act notices.)

7.0 Privacy Act Requests, Processing and Response

7.1 General Guidance

Files held by the Peace Corps must be made available to the subject of the record. System Managers may not require a written Privacy Act request from individuals in order to gain access to their record.

Informal requests are routine day-to-day inquiries. Examples are: a request to review an individual's own time and attendance record; a request for a copy of a document contained in the individual's own Official Personnel Folder, etc. These inquiries are made to resolve ongoing workday matters. (Keep in mind that even though the individual has not invoked the Privacy Act to gain access to his or her record, Privacy Act provisions apply.)

Formal requests cite the Privacy Act to gain access to an individual's own record. Examples are: a returned Volunteer requesting a copy of his or her original Peace Corps Application and all related records; an employee requesting a copy of his or her full-field investigation; or an applicant requesting copies of references submitted on his or her behalf to the Agency.

For reporting purposes no recording is required for informal requests. Formal requests should be recorded on Form PC-1593, "Freedom of Information Privacy Act Request Log" (Attachment I).

A written response is required to both formal and informal requests whenever information is exempted from release.

All documents that are in a file when an individual requests access must be released to him or her unless they are exempt from disclosure by the Act, Agency regulations, or other statute. This means every paper, including marginal notes or comments, buckslips, etc. Do not keep papers that are not relevant to the file. Return them to the originator with an explanation that they are not required for the record or decision-making process. Information and duplicate copies not needed for a file may be destroyed. Unsolicited material which is not used in the decision-making process should be returned to the sender; this includes the applicant, staff member, interested party, etc. Unsolicited material which will be used in the decision-making process will be provided to the subject individual, and the individual will be given an opportunity to comment on any such material, if he or she so desires, prior to the decision.

All records requested should be reviewed for exemptible material before they are released. Examples of information that may be exempt from release are:

- Classified materials;
- Investigatory material compiled for the purposes of law enforcement;
- Investigatory material compiled solely for the purpose of determining suitability, eligibility or qualification for service; and
- Information compiled by the Agency in reasonable anticipation of a civil action.

Agency regulations should be consulted for more information on exemptions. All determinations to exempt material must be reviewed by the Office of General Counsel.

If there is not time to answer a request immediately, the individual should be informed that a response will be provided as soon as possible and that Agency policy is to respond to requests in

ten work days. If applicable, the individual should be told that the file or record will have to be reviewed for data that may be subject to disclosure restrictions.

7.2 Identification/Verification of Requesters

Mail requests should be accepted for processing if they contain sufficient information to convince the System Manager that the requester is the subject of the records. Such information would include name, social security or records identification number, dates and place of service, home of record while in service or forwarding address, describe the particular incident or information about records, etc. If the request does not provide sufficient information, the requester should be asked to provide a notarized statement as to identity, or a signed statement as to identity and informed of the \$5,000 fine for obtaining records under false pretenses.

When a request is made in person, the individual is required to furnish acceptable identification. Such identification would be a driver's license, employment identification card, passport, credit card, etc. If the individual does not have sufficient identification, he or she will be asked to submit a signed statement as to identity and be notified of the \$5,000 fine for obtaining records under false pretenses. (See "Statement of Identity Format" -Attachment H.)

Telephone requests should be accepted for processing if the individual provides sufficient information regarding the records he or she is seeking. Such information would be their permanent address, forwarding address, duty station, program number or title, etc. If the information is not in agreement with the record, request a statement (notarized or statement of identity and understanding of fine).

An individual may authorize another person (representative) to obtain his or her record. In this case a notarized authorization from the subject individual is required and must clearly authorize access to specific or all files, identify the representative by name, and state the length of time the authorization is in effect.

An individual requesting access to his or her records may be accompanied by a personal representative of his or her choosing, in such cases a memorandum to this effect must be supplied by the individual. The memorandum will be filed in the individual's file or the Privacy Act case file.

7.3 Processing Procedures

When a Privacy Act request is received by the Agency, by phone, in writing, or in person, the request should be forwarded to the System Manager that maintains the records. If more than one system of records is involved, the request should be forwarded to the Privacy Act Officer (PAO) at Headquarters.

The request should then be logged in on a PC-1593, "Freedom of Information/Privacy Act Request Log", by the responsible office and a ten workday response date assigned to the request. A "Notification of Receipt", PC-1545 (Attachment J), should be mailed for written requests, if the response is expected to exceed the ten day response date.

The record should then be pulled and reviewed for accuracy, completeness, and any applicable exemptions under the Act.

If exemptions are claimed, the records must be cleared by the Office of General Counsel. (The field may call the Office of General Counsel for verbal approval.)

The materials should then be copied, any expungements made, and marked with the citation of the exemption invoked.

A written response should then be prepared. Standard responses applicable to most situations are available from the PAO.

The response should then be mailed by certified mail or presented in person.

At the end of the calendar year, offices should send copies of their Privacy Act log to the PAO for preparation of the annual Privacy Act report to Congress.

7.4 Release of Information Submitted to Peace Corps in Confidence

The Act provides that the identity of an individual who furnishes information to the Peace Corps with a promise of confidentiality may not be released. Such information may be disclosed only to the extent that doing so does not disclose the identity of the confidential source. Attachment A, Section 308.14 (b) and (c) discusses such exemptions.

Documents contained in Peace Corps' systems of records that could involve a pledge of confidentiality as to the source of the information include references, security investigation interview records, and records of interviews resulting from complaints. Normally, expunged documents can be released. Do not release any information that could reveal the identity of the source.

Effective September 27, 1975, the date of the Act, an Agency may keep the identity of a source furnishing information on or after that date, confidential only if an express promise of confidentiality has been made. Prior to that date, an implied pledge of confidentiality may have been made. When reviewing files that contain "confidential type" information, a determination must be made as to whether a promise or implied promise of confidentiality was made to the source or was requested by the source.

One exception of the release of expunged documents is the Volunteer Applicant Reference Form. Because the applicant furnishes the names of the references, to release even expunged copies could possibly reveal the identity of the individual promised confidentiality. In sets of Volunteer references, there may be the following variations:

- No references requested confidentiality: Release all reference forms.
- One or more references have requested confidentiality: Only qualitative ratings and excerpts which do not reveal the identity of the submitters may be released from the forms.

In those instances when Volunteer Applicant Reference Forms cannot be released, refer the request to the Privacy Act Officer (PAO), Administrative Services. The PAO, with review by General Counsel, will process the request and prepare a "Peace Corps Reference Summary", (PC Form 1595), containing the qualitative ratings and excerpts from the narrative portion of the reference form.

7.5 Medical Records

In most cases, medical records can be released to the subject individual. In some instances, the medical record can only be released to a physician.

Peace Corps' regulations provide that the release of medical records may be limited to a physician when a determination has been made that the release of the record directly to the individual could cause possible harm to him or her. This determination is made by a physician designated by the Director of the Office of Medical Services. The medical record can be released to a physician designated by the individual or his or her representative.

The Office of Medical Services is responsible for the review of medical records for requests received at Headquarters and the Service Centers.

A Peace Corps Medical Officer or employee designated by the Director, Office of Medical Services, will review the records to determine whether they should be released directly to the requester. If a determination is made that the file can be released, copies will be made and placed in an envelope clearly marked "MEDICAL RECORDS _____ (NAME) _____," and will be sealed by the Medical Officer or designee.

The records will be forwarded to the individual with a cover letter or will be hand-carried to the Office of Administrative Services for mailing along with other records the individual has requested.

If the Medical Officer or designee questions the release of the records, a physician designated by the Director, Office of Medical Services, will review the file. If a determination is made that the record may be released directly to the individual, the procedure in the preceding paragraph will be followed. If a determination is made that the record should not be released, the reviewing physician will consult with the General Counsel. If the record is not to be released, the individual, or his or her representative, will be informed in writing and will be given a PC-1520, "Authorization for Release of Medical Information" (Attachment K), to designate a physician to whom their record may be released.

When the medical record is still overseas, the Peace Corps Physician or other designated Medical Officer will review the record to determine its release. If the record can be released or if it can be reviewed by the individual, copies will be made and given to him or her. If the record may not be released, the case will be referred to the Office of Medical Services for consultation with the General Counsel. If the record is not to be disclosed, the individual will be informed in writing and will be provided a Form PC-1520, "Authorization for Release of Medical Information".

7.6 Fees

No fee will be charged for search time or for any other time expended by the Agency to produce a record in response to a Privacy Act request. One copy will be furnished free of charge. Ten cents a page may be charged for additional copies.

7.7 Congressional Inquiries on Behalf of Staff or Volunteers

In many instances, individuals contact Congressional representatives for copies of their records.

If the Congressional letter does not state that the copies are to be furnished to the Congressional representative, the copies will be sent directly to the individual and the Congressional response will so indicate. Usually a copy of the letter to the individual is forwarded with the Congressional response.

If the Congressional letter states that the copies are to be furnished to the Congressional representative, an authorization letter from the subject individual must accompany the inquiry.

Privacy Act Congressional responses must be cleared by the Director, Office of Congressional Relations, the Privacy Act Officer, and the General Counsel. To expedite field requests the Service Center Director may call the above offices for clearance. Overseas inquiries will be forwarded to the Office of Administrative Services for processing. In all cases a copy of the request and response will be furnished to the clearance officers.

7.8 Denial of Access Appeals

Since special procedures have to be followed, all appeals regarding requests must be processed by the Office of Administrative Services.

8.0 Amendment Requests

The Privacy Act permits an individual to request an amendment of a record that pertains to him or her. The Peace Corps must promptly make any correction of the record or inform the individual of its refusal to amend the record, the reason for the refusal, and the procedure established for the individual to request a review of the refusal.

8.1 Amendment Request Processing Procedures

All amendment requests should be delivered to the Privacy Act Officer (PAO) in the Office of Administrative Services. The PAO will assign a case number, set due dates, and prepare a written acknowledgement of the receipt of the request. The written acknowledgement of the receipt of the request must be made within ten workdays from receipt. The PAO will then forward a copy of the request to the System Manager responsible for the maintenance of the record.

The System Manager will contact the originator of the record to determine whether amendment of the record is appropriate. The originator of the record for this purpose is that employee who decides what information may or may not be included in a record. For example, the Director, Office of Special Services (M/SS) is the System Manager for Special Services files that contain the "Report of Peace Corps Service", PC-1485. In most cases the PC-1485 is prepared by overseas employees for early terminating Trainees and Volunteers. For those PC-1485's prepared overseas the Country Director or designee reviews the report and approves the action, thus deciding what information is included in the record.

If the originator is no longer employed by Peace Corps an attempt will be made by the System Manager to contact him or her. If the formerly employed originator cannot be contacted or refuses to be involved, the employee currently performing the duties of the originator's function or the next highest official will be contacted for a decision.

The originator will refer to Section 308.16, Attachment A of this Manual Section for criteria to be used in making a determination. If the originator makes a decision to amend the record, he or she will prepare a memorandum to the PAO which explains in detail the changes that are to be made to the record and lists those who have received copies of the record.

The originator sends the memorandum to the System Manager who delivers the memorandum, the record, and the names of recipients of the information to the PAO. The names of recipients are those names entered on the System Manager's record of disclosure log.

If the originator makes a decision not to amend the record the originator will prepare a memorandum to the PAO explaining the refusal to amend. The originator sends the memorandum to the System Manager who delivers the memorandum and the record to the PAO.

The PAO will prepare the response and obtain legal and administrative clearances. After the letter is signed, the PAO will change all copies of a record to be amended and inform recipients listed on the disclosure log of the amendment.

8.2 Agency Refusal to Amend-Appeal Procedures

If an individual requestor disagrees with an initial determination of refusal to amend his or her record, he or she may appeal to the Director or his or her designee. Such requests will be processed by the PAO. Processing procedures are outlined in Section 308.16, Attachment A.

9.0 Public Information

Certain information about individual employees or Volunteers/Trainees is considered public information. The name; grade; staff salary; Volunteer/Trainee readjustment or stipend allowance; position title; staff position description; Volunteer description of service; duty station; duty station telephone number (this includes Peace Corps headquarters, field and overseas office facilities); length of service and tenure is considered public information for current and former employees/Volunteers/Trainees.

If additional data is requested, it should be reviewed to determine if material could be exempt under the Act and Agency exemptions. Normally, requests pertaining to individuals are viewed in respect to exemption (b)(6) of the Freedom of Information Act (FOIA).

10.0 References Requested by or from Peace Corps Employees

10.1 Staff Requests for References

Whenever a Peace Corps employee requests a personal reference on an individual being considered for Volunteer or staff service, whether by phone or by written document, a statement regarding the potential release to the individual must be furnished to the reference source, and the reference's response regarding a promise of confidentiality must be recorded on the document.

10.2 Requests Submitted to Peace Corps Employees for References

Whenever an employee of Peace Corps is asked to furnish a reference on a current or former employee, Volunteer, or Trainee, the reference is considered a personal reference and does not represent an official response by Peace Corps. The employee furnishing the reference should clearly state that it is furnished based on personal knowledge and is not an official rating by Peace Corps. When completing a preprinted form, the statement should be added thereto.

11.0 Supervisor's Personal Notes

Personal notes that a supervisor may keep as memory aids regarding performance, conduct, and development of employees supervised are not prohibited by the Act. These are not considered to be Agency records under Peace Corps control, within the meaning of the Act. However, it is imperative that the supervisor protect such records to ensure that no individual has access to them and they are not disseminated or disclosed in any way except, of course, to the individual who is the subject of the record. This means that a supervisor may not pass his or her notes to other officials or succeeding supervisors. If the notes are disclosed to anyone other than the subject individual, they become Peace Corps records and are subject to disclosure. The notes should be retained only as long as needed, i. e., after a performance evaluation is completed, discussion of conduct with employee, a particular situation has been resolved, etc.

12.0 Freedom of Information act Requests

Data may be released from a record in a Privacy Act system of records provided that personal information is expunged to avoid an unwarranted invasion of personal privacy.

One of the routine uses of information under the Privacy Act and our regulations is the release of information in response to FOIA requests. The release of information under the FOIA exempts any information that could clearly be an unwarranted invasion of personal privacy (5 U. S. C. 552 (b)(6)).

13.0 Bibliography

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4. "Peace Corps Systems of Records Subject to Privacy Act Requirements", published as a Notice in the Federal Register .
5. Privacy Act of 1974 (P. L. 93-579; 5 U. S. C. 552a)
6. OMB Circular A-10B, September 30, 1975, Subject : "Responsibilities for the Maintenance of Records About Individuals by Federal Agencies", and OMB Circular A-108 , Transmittal Memorandums .

14.0 Effective Date

This Manual Section takes effect on the date of issuance.