

Department of the Interior Departmental Manual

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Series: Information Resources Management

Part 383: Public Access to Records

Chapter 11: Privacy Act - Use of Social Security Numbers

Originating Office: Office of Information Resources Management

This chapter has been given a new release number.* No text changes were made.

383 DM 11

11.1 Purpose. The Privacy Act of 1974 (5 U.S.C. 552a) contains specific provisions regarding agency requirements for individuals to disclose their social security account numbers. These provisions apply to Federal agencies irrespective of whether the requested numbers are intended to be in a system of records subject to the Act.

11.2 Refusals to Disclose. No right, benefit, or privilege provided by law may be denied an individual because of the individual=s refusal to disclose a social security account number. This prohibition against penalizing an individual for refusing to disclose his/her number does not apply if:

A. The disclosure is required by Federal statute, or

B. The disclosure is to an agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required by statute or regulation adopted before that date to verify the individual=s identity. (Since Aregulation@ is not clearly defined in the Act itself or in the Act=s legislative history, what constitutes a Aregulation@ may be subject to judicial interpretation.)

11.3 Notices to Individuals. The Act requires that individuals who are asked to disclose their social security account numbers be informed whether disclosure is mandatory or voluntary, by what authority the number is solicited, and what uses will be made of it. Whenever individuals are asked to provide their social security numbers, they must be advised of this information through an explanation on the data collection form, on an attached notice, or in an interview handout. See 383 DM 4.7 for additional guidance on information to be included on forms which collect data about individuals.

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