

Department of the Interior Departmental Manual

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Series: Information Resources Management

Part 383: Public Access to Records

Chapter 9: Employee Handling of Privacy Act Records

Originating Office: Office of Information Resources Management

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

383 DM 9

9.1 **Purpose.** This chapter describes standards of conduct for personnel in implementing requirements of the Privacy Act of 1974 (5 U.S.C. 552a). Employees to whom these standards are applicable include all personnel who have access to systems of records subject to the Act, or who are engaged in the development of procedures or systems for handling such records (i.e. those engaged in personnel management, records/paperwork management, computer systems development and operations, communications, statistical data collection and analysis, and program evaluation.

9.2 Accuracy and Relevance of Information.

A. Program officials and system managers are responsible for ensuring that no irrelevant or unnecessary personal information is collected. Such officials shall also ensure that no personal information of questionable relevancy or necessity is maintained that could, if disclosed, have adverse or embarrassing consequences for the individual to whom the information pertains or result in a nuisance to the individual. Employees working with a system of records shall make all reasonable efforts to maintain accurate and timely records.

B. All Department officials and employees must ensure that no record is maintained which describes how an individual exercises rights guaranteed by the First Amendment to the Constitution (i.e. religious and political beliefs, freedom of speech, etc.). The only exceptions to this restriction are when the maintenance of such information is (1) specifically authorized by statute or the individual about whom the record is maintained, or (2) pertinent to and within the scope of an authorized law enforcement activity.

9.3 **Handling of Records.** Employees whose duties require handling of records subject to the Act shall protect the integrity, security, and confidentiality of these records. See 383 DM 8.

9.4 **Courtesy.** Employees working with a system of records shall respond to individuals seeking access to, or requesting changes in, their records with courtesy and as promptly as circumstances permit.

9.5 Disclosure of Records. Employees shall protect personal information contained in systems of records subject to the Act from disclosure for any purpose other than that for which the information was gathered, or under exceptions provided in the Act (see 383 DM 7).

9.6 Alteration of Records. No employee may alter or destroy a record subject to the Act unless undertaken in the course of his/her regular duties, required by a decision under the Department=s regulations (43 CFR Part 2, Subpart D, Section 2.70-2.75), or pursuant to a court decision.

9.7 Criminal Penalties. Any officer or employee who knowingly and willfully makes an unauthorized disclosure of records subject to the Act, or who willfully maintains a system of records without meeting the Act=s notice requirements (5 U.S.C. 552a (e)(4)), is guilty of a misdemeanor and may be fined up to \$5,000.

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