
EPA Classification No: CIO 2151-P-05.1	CIO Approval Date: 1/5/10
CIO Transmittal No: 10-002	Review Date: 1/13

*Issued by the EPA Chief Information Officer,
Pursuant to Delegation 1-19, dated 7/7/2005*

Procedures for Preparing Privacy Act Statements

1. PURPOSE

These procedures provide instructions for developing Privacy Act Statements (PAS) that must be provided to individuals when a federal agency requests personal information about them which is to be maintained in a system of records retrieved by name or personal identifier (5 U.S.C. 552a(e)(3)).

2. SCOPE AND APPLICABILITY

These procedures apply to all methods used to collect personal information regardless of the format or method used to obtain the information (i.e., paper form or electronic form), as well as to all EPA organizations and their contractors engaged in the design and development of forms that collect personal information. These procedures must be followed before collecting personal information on an individual that is retrieved by a name or personal identifier.

3. AUDIENCE

All Agency employees and Agency contractors who develop systems of records or forms.

4. BACKGROUND

The Privacy Act of 1974, 5 U.S.C. 552a(e)(3), requires agencies to provide the specific information covered under these procedures to each individual from whom it asks to provide personal information. Each PAS must inform the individual:

- a. the authority which authorizes the solicitation of the information;
- b. the principal purpose or purposes for which the information is intended to be used;
- c. external parties with whom the information may be shared as published in the Federal Register (i.e., routine use);
- d. whether disclosure of such information is mandatory or voluntary; and
- e. the effects on the individual, if any, of not providing all or any part of the requested information.

The information is to be provided to the individual directly on the form used to collect the information or on a separate form that can be retained by the individual.

5. AUTHORITY

Privacy Act of 1974, 5 U.S.C. 552a.

6. PROCEDURES

A PAS must provide the following information to the individual from whom the personal information is to

EPA Classification No: CIO 2151-P-05.1	CIO Approval Date: 1/5/10
CIO Transmittal No: 10-002	Review Date: 1/13

be collected.

The preparer (program office or regional office) in consultation with the Liaison Privacy Official (LPO):

1. Drafts a PAS that provides the following information:
 - a. the authority which authorizes the solicitation of the information;
 - b. the principal purpose or purposes for which the information is intended to be used;
 - c. the external parties with whom the information may be shared (i.e., routine use), as published in the Federal Register;
 - d. whether disclosure of such information is mandatory or voluntary; and
 - e. the effects on the individual, if any, of not providing all or any part of the requested information.

(A Sample Privacy Act Statement is provided below.)

Authority: Title **XX** U.S. Code **XX**.

Purpose: The information will be used to determine employee's eligibility to participate in EPA-sponsored athletic events.

Routine Uses: The information will be used for the purpose set forth above and may be provided to Congress or other Federal, state and local agencies, when determined necessary.

Mandatory or voluntary disclosure and the effects on the individual of not providing information: Disclosure of personal information is voluntary. Failure to disclose the personal information requested may prohibit the Agency from being able to assess the individual's eligibility for the event.

-or-

Providing the requested information is mandatory, and failing to do so will [provide consequences, if any]."

2. Transmits the draft statement to the Agency Privacy Act Officer in the Office of Environmental Information, Office of Information Collection for approval. (This approval must be obtained before the collection activity begins.)

Agency Privacy Act Officer:

1. Reviews the draft statement and consults with the Office of General Counsel.
2. Works with the preparer to finalize the statement, if required.
3. Sends approved PAS back to the preparer.

The preparer:

1. Sends the proposed form with PAS to the Agency Forms Officer for processing.
2. Ensures that the PAS is on the form at the time the personal information is collected or on a separate form that can be retained by the individual.

7. RELATED DOCUMENTS

- E-Government Act of 2002, Section 208, 44 U.S.C. 3501 note
 - EPA's Privacy Policy <http://www.epa.gov/privacy/policy/index.htm>
 - M-99-18, Privacy Policies of Federal Web Sites and the following OMB documents,
-

EPA Classification No: CIO 2151-P-05.1	CIO Approval Date: 1/5/10
CIO Transmittal No: 10-002	Review Date: 1/13

- (<http://www.whitehouse.gov/omb/memoranda/m99-18.html>), June 2, 1999
- M-01-05, Guidance of Inter-Agency Sharing of Personal Data – Protecting Personal Privacy, (<http://www.whitehouse.gov/omb/memoranda/m01-05.html>), December 20, 2000
- M-03-18, Implementation Guidance for the E-Government Act of 2002, August 1, 2003
- M-03-22, Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002 <http://www.whitehouse.gov/omb/memoranda/m03-22.html>
- M-05-04, Policies for Federal Agency Public Websites December 17, 2004
- M-05-24, Implementation of Homeland Security Presidential Directive (HSPD) 12 – Policy for a Common Identification Standard for Federal Employees and Contractors, August 5, 2005
- M-06-15, Safeguarding Personally Identifiable Information, May 22, 2006
- M-06-25, FY 2006 E-Government Act Reporting Instructions, August 25, 2006

8. ROLES AND RESPONSIBILITIES

All individuals – Those who are defined under the audience section of these procedures must develop Privacy Act Statements and have them approved by the Agency Privacy Act Officer prior to collecting personal information that is retrieved by name or personal identifier.

External Public Use Forms Officer (OEI) – Approves forms used to collect information from the public and manage the Information Collection Request (ICR) activities.

Internal Forms Officer (OARM) – Approves internal administrative forms issued as a result of a directive or mandate that originated within EPA for Agency-wide use and posts the approved form to Web Forms.

Liaison Privacy Official (LPO) – Reviews PAS for sufficiency, and forwards the PAS to Privacy Act Officer for approval and to OARM for posting.

Office of Administration & Resources Management (OARM) – Manages the Agency's internal forms process.

Office of Information Collection – Approves the PAS.

Office of General Counsel – Reviews the PAS to ensure its legal sufficiency. Reviews the authority used and certifies that the correct sections of the law are cited and that the law is properly applied.

Privacy Act Officer – Approves the PAS and the final form to ensure that all Privacy Act requirements are met.

9. DEFINITIONS

- a. **Personal Identifier.** A name, Social Security number or other identifying number, symbol, or other identifying particular assigned to an individual.
- b. **Privacy Act Information.** Data about an individual that is maintained in a system of records and retrieved by name or other personal identifier assigned to the individual.
- c. **Privacy Act Statement (PAS)** - The statement, placed on the form (or a separate accompanying form) used to collect personal information from an individual that provides the information required by the Privacy Act, as set out above.
- b. **System of Records (SOR)** - A group of any records under the control of any agency from which information is retrieved by the name of the individual or some identifying number, symbol, or other identifying particular assigned to the individual.

10. WAIVERS

There are no waivers to this procedure.

11. RELATED PROCEDURES AND GUIDELINES

EPA Classification No: CIO 2151-P-05.1	CIO Approval Date: 1/5/10
CIO Transmittal No: 10-002	Review Date: 1/13

- Privacy Policy <http://www.epa.gov/privacy/policy/index.htm>
- Privacy Act Manual (<http://www.epa.gov/privacy/policy/2190/index.htm>)
- System of Records Notice http://intranet.epa.gov/privacy/guidance_document.htm)
- EPA's Forms Management Policy, CIO Transmittal 06-004, Information Policy 2102 <http://intranet.epa.gov/oei/imitpolicy>

12. MATERIAL SUPERSEDED

These procedures update and replace CIO 2151-P-05.

13. ADDITIONAL INFORMATION

For further information, please contact the FOIA and Privacy Branch, Collection Strategies Division, Office of Information Collection, Office of Environmental Information.



Linda A. Travers
Linda A. Travers
Principal Deputy Assistant Administrator
Office of Environmental Information