
EPA Classification No: CIO 2151-P-03.1	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 7/7/05*

Procedures for Preparing and Publishing Privacy Act Systems of Records Notices

1. PURPOSE

These procedures provide the instructions for preparing a System of Records Notice (SORN). A SORN is required under the Privacy Act when federal agencies store and retrieve information by name or a personal identifier from paper records or electronic systems under their control.

2. SCOPE AND APPLICABILITY

These procedures apply whenever information is retrieved by a name or personal identifier from records under the control of the Agency, regardless of format or location (i.e., systems, applications, databases, Web sites, filing cabinets, etc.). These procedures must be followed before collecting personal information on an individual and retrieving it by one of those elements.

3. AUDIENCE

These procedures apply to all EPA employees and their contractors who collect personal information and retrieve information from systems using a personal identifier.

4. BACKGROUND

The Privacy Act of 1974, 5 U.S.C. 552a, prescribes requirements for federal agencies to follow when they collect, maintain or disseminate information about individuals that is maintained in systems of records. More specifically, the Act provides safeguards restricting disclosure of records about individuals that are accessed by their name or personal identifier and maintained by agencies; granting individuals access to records maintained about them; and the right to seek amendment of records upon a showing that the records are not accurate, relevant, timely or complete.

Programs are required to publish a SORN in the Federal Register (FR) when establishing or substantially revising any system of records that is covered by the Act. The FR notice must include the following information:

- System name
 - System location
 - Categories of individuals covered by the system
 - Categories of records in the system
 - Authority for maintenance of the system
 - Purpose
 - Routine uses of records in the system, including categories of users, and the purpose of such uses
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- Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system
- System manager(s) address and title
- Notification procedures
- Access procedures
- Contesting procedures
- Record source categories

When traditional paper collections of information are supplemented or replaced by electronic forms, the requirements of the Privacy Act continue to apply and the SORN must be updated to reflect the change.

Programs are also required to publish a SORN to delete/terminate a system whenever the information is no longer accessed by the individuals' name or other personal identifiers or whenever it is consolidated with another system of records. The FR notice must include the following information:

- System name
- Original Federal Register publication citation (i.e., volume, page number and date of publication)
- Reason for termination
- Disposition of records

Any time an agency wishes to establish or significantly change a system of records, it must also notify in advance the House Oversight and Government Reform Committee, the Senate Homeland Security and Governmental Affairs Committee, and the Office of Management and Budget (OMB), 5 U.S.C. 552a(r).

5. AUTHORITY

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

6. PROCEDURES

Program Office or Region in consultation with Liaison Privacy Official (LPO)

1. Prepare System of Records Notice (SORN) using the template at: http://intranet.epa.gov/privacy/policies_procedures.htm .
2. Submit draft SORN to Agency Privacy Act Officer in the Office of Environmental Information (OEI), Office of Information Collection (OIC) for review.
3. Revise draft SORN (if needed) based on Privacy Act Officer's feedback.
4. Prepare memoranda to the House Oversight and Government Reform Committee, the Senate Homeland Security and Governmental Affairs Committee, and OMB using the templates at: http://intranet.epa.gov/privacy/guidance_document.htm.
5. Prepare funding document, i.e., "Federal Register Typesetting Request Form," EPA Form 2340-15, to cover FR publication costs. (The form is located at: <http://intranet.epa.gov/webforms>.)

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6. Submit final package to Privacy Act Officer. Final package includes:

- Memorandum from program office management to Director, Office of Information Collection, OEI;
- Memoranda to Congressional Committees and OMB (see Section 4, Background);
- System of Records Notice (Federal Register publication);
- "Federal Register Typesetting Request Form," EPA Form 2340-15; a diskette or CD containing the Federal Register Notice.

7. Monitor the EPA Federal Docket Management System (FDMS) Web site throughout the 30-day comment period and respond to any comments received.

8. Provide Privacy Act Officer with a summary of responses to comments no later than five working days after the comment period closes.

Agency Privacy Act Officer

1. Review draft SORN to ensure that all Privacy Act requirements are met;
2. Forward draft SORN to Office of General Counsel for legal review;
3. Provide Agency Records Officer a copy of draft SORN to ensure that the appropriate Agency records schedule number is identified in the notice;
4. Obtain the EPA Docket and SORN # prior to publication;
5. Prepare memorandum from the Director, OIC, to the Agency's Chief Information Officer (CIO) requesting approval to publish the SORN;
6. Prepare transmittal memorandum to Federal Register staff requesting a publication date;
7. Notify the program office when the SORN is scheduled to be published;
8. Review the EPA Federal Docket Management System website for comments;
9. File records pertaining to the responses to comments, if appropriate; and
10. Post SORN to EPA Privacy Act Web site at the end of the comment period.

7. RELATED DOCUMENTS

- Privacy Act of 1974 (5 USC 552a) (<http://archives.gov/about/laws/privacy-act-1974.html>)
 - EPA's Privacy Policy <http://www.epa.gov/privacy/policy/index.htm>
 - M-01-05, Guidance on Inter-Agency Sharing of Personal Data – Protecting Personal Privacy, December 20, 2000 (<http://www.whitehouse.gov/omb/memoranda/m01-05.html>)
 - [M-05-08, Designation of Senior Agency Officials for Privacy](#) (OMB) (February 11, 2005)
 - [M-05-24, Implementation of Homeland Security Presidential Directive \(HSPD\) 12 – Policy for a Common Identification Standard for Federal Employees and Contractors](#) (OMB) (August 5, 2005)
 - [M-06-06, Sample Privacy Documents for Agency Implementation of Homeland Security Presidential Directive \(HSPD\) 12](#) (OMB) (February 17, 2006)
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- [Sample Privacy Documents](#)
- [M-06-25, FY 2006 E-Government Act Reporting Instructions](#), (OMB) (August 25, 2006)
- [Recommendations for Identity Theft Related Data Breach Notification](#) (OMB) (September 20, 2006)
- [M-07-16, Safeguarding Against and Responding to the Breach of Personally Identifiable Information](#) (OMB) (May 22, 2007)
- [M-07-19, FY 2007 Reporting Instructions for the Federal Information Security Management Act and Agency Privacy Management](#) (OMB) (July 25, 2007)

8. ROLES AND RESPONSIBILITIES

Chief Information Officer – Approves or disapproves the proposed action. Signs the Federal Register notice if action is approved.

Federal Register Office – Obtains Federal Register Number for publication; submits necessary background documents to the Government Printing Office's Office of Federal Register for publication; and informs Privacy Act Officer of publication date.

Liaison Privacy Officials – Review the SORN for sufficiency, ensure all documentation is included and forward the package to the Privacy Act Officer for review, approval and publishing.

Office of General Counsel – Reviews the SORN for legal sufficiency.

Privacy Act Officer -- Reviews and processes the documents necessary for SORN publication. Transmits SORN package to CIO requesting approval to publish in the Federal Register.

Programs and Regions -- Prepare paperwork for SORN publication in coordination with LPO. (See Section 6 of these procedures) Monitor Web site for comments and reconcile comments received on Notice.

9. DEFINITIONS

Agency. For the purposes of the Privacy Act, EPA is considered a single Agency comprised of EPA Headquarters and all of EPA's regions..

Individual. A citizen of the United States or an alien lawfully admitted for permanent residence.

Maintain. Includes maintain, collect, use or disseminate.

Official Use. Managers and employees of an EPA component who use any record or the information contained therein to perform their official duties.

Personal Identifier. A name, Social Security number, or other identifying number, symbol, or other identifying particular assigned to an individual (e.g. voice/fingerprint or a photograph).

Privacy Act Information. Data about an individual that is retrieved from a system of records by name or other personal identifier assigned to the individual.

Record. Any item, collection or grouping of information about an individual maintained by an agency, e.g., the individual's education, financial transactions and medical, criminal or employment history.

System of Records – A group of any records, paper or electronic, under the control of any agency 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.

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10. WAIVERS

There are no waivers to this procedure.

11. RELATED PROCEDURES AND GUIDELINES

- Privacy Policy <http://www.epa.gov/privacy/policy/index.htm>.
 - Privacy Act Manual <http://www.epa.gov/privacy/policy/2190/index.htm>
 - Privacy Threshold Analysis http://intranet.epa.gov/privacy/guidance_document.htm
 - Privacy Impact Assessments http://intranet.epa.gov/privacy/guidance_document.htm
 - Privacy Act Statement http://intranet.epa.gov/privacy/guidance_document.htm
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12. MATERIAL SUPERSEDED

These procedures update and replace CIO 2151-P-03.

13. ADDITIONAL INFORMATION

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



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