

OIG Manual

U.S. Department of Labor
Office of Inspector General



Transmittal Sheet

Date: SEP 24 2003

IGD 5-200

INFORMATION: Collecting And Maintaining Privacy Act Information

The purpose of this directive is to establish uniform policies and procedures for collecting and maintaining information about individuals that is personal in nature and covered by the Privacy Act.

This directive rescinds IGD 5-200-2, Collecting and Maintaining Privacy Information, dated 4/30/01 and IGD 5-220-1, Records Subject to Privacy Act, dated 1/29/85, MN 5-220-1, OIG Contractor Compliance with Privacy Act, dated 4/13/87 and MN 5-300-1, use of Information Disclosure and Warning Forms, dated 10/15/82.

A handwritten signature in cursive script that reads "Gordon S. Heddell".

GORDON S. HEDDELL
Inspector General

INSTRUCTIONS: Insert this IGD in Part 5, Information, of the OIG Manual. Remove IGD 5-200-2, Collecting and Maintaining Privacy Information, dated 4/30/01 and IGD 5-220-1, Records Subject to Privacy Act, dated 1/29/85, MN 5-220-1, OIG Contractor Compliance with Privacy Act, dated 4/13/87 and MN 5-300-1, use of Information Disclosure and Warning Forms, dated 10/15/82.



Inspector General Directive

Chapter: 5 - Information

Title: **COLLECTING AND MAINTAINING
PRIVACY ACT INFORMATION**

Number: 5-200

Date: September 24, 2003

1. PURPOSE

The purpose of this directive is to establish uniform policies and procedures for collecting and maintaining information about individuals that is personal in nature and covered by the Privacy Act.

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For policies and procedures concerning the disclosure of Privacy Act information, see IGD 5-300-1, Procedures for Handling Freedom of Information Act and Privacy Act Requests.

2. SCOPE

This directive applies to all Office of Inspector General (OIG) employees and contractors who collect, maintain, or have access to personal privacy information.

3. BACKGROUND

The [Privacy Act of 1974 \(5 USC 552a\)](#) protects Americans and resident aliens against unwarranted invasion of personal privacy by requiring Executive Branch agencies to limit collection of personal privacy information to that which is legally authorized and necessary, and to maintain personal privacy information in a manner that safeguards against unwarranted intrusions upon individual privacy.

4. POLICY

Personal privacy information shall be collected and maintained in accordance with the provisions of the Privacy Act of 1974, OMB Circulars and Guidelines, and the policies and procedures described in this directive.

a. Collecting Information

- (1) General Rule. Obtain only that personal privacy information that is necessary to carry out the mission of the OIG.
- (2) First-hand Information Preferred. When personal privacy information may result in an adverse determination about an individual's rights, benefits, or privileges under a Federal program, OIG employees should collect the information to the greatest extent possible from the named individual.
- (3) Privacy Act Notice. When personal information about an individual is collected directly from an individual, whether in person or in writing, the Privacy Act requires, in most instances, that the OIG provide a specific written notice to the individual (see Attachment A). As a result, all OIG employees must provide this written notice when they solicit personal information directly from an individual. OIG investigators conducting an authorized criminal or civil law enforcement investigation are exempt from this notice requirement, except when asking for social security numbers.

Pursuant to Section 7(b) of the Privacy Act, any Federal, State, or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory authority or other authority such number is solicited, and what uses will be made of it. No notice is required when an agency requests personal information about an individual from someone other than that individual, or from an entity or organization.

b. Maintaining Information:

- (1) Storage. All OIG systems of records should be kept in locked cabinets or other secure storage during non-duty hours and when not in use during official business hours.
- (2) Disclosure OIG employees should consult the Disclosure Officer, the Assistant Inspector General for their office, or the OIG's Office of Legal Counsel before disclosing personal privacy information outside of the OIG. Within the OIG, employees may discuss personal privacy information only with those persons who have a "need to know" the information in performance of their official duties.

5. DEFINITIONS

a. Personal Privacy Information: information about an individual or his or her activities that is of personal and sensitive nature, including his/her name, address, photograph, identifying number (i.e. social security number), education, home telephone number, criminal history, or employment history. To be considered personal information under the Act, items of information must contain the name or the identifying number, symbol, or other specific identifiers that are assigned to an individual, such as a finger or voiceprint, or a photograph.

b. System of records: a group of records under the control of an agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to that individual.

6. RESPONSIBILITIES/DELEGATIONS

a. Inspector General The Inspector General is responsible for implementing and enforcing this policy concerning the collection and maintenance of personal privacy information consistent with the Privacy Act of 1974. As the custodian of records for the OIG, the Inspector General has authority to exercise discretion concerning whether to make a legally permissible disclosure of personal privacy information contained in the OIG's system of records to persons or entities outside of the OIG. He has delegated this authority to the Assistant Inspectors General, and the OIG's Disclosure Officer.

b. Assistant Inspectors General will oversee the system of records within their specific area of responsibility to ensure compliance with this directive and the Privacy Act of 1974. In addition, they have been delegated the authority to exercise discretion concerning whether to make a legally permissible disclosure of personal privacy information contained in the OIG's system of records to persons or entities outside of the OIG.

c. All OIG Employees and Contractors Will:

- (1) Familiarize themselves with their responsibilities under the Privacy Act to ensure that information is controlled at all times to prevent unintentional or unauthorized disclosures.
- (2) Comply with directions given by the Disclosure Officer and the Assistant Inspectors General with regard to all matters concerning the collection, maintenance, and disclosure of personal privacy information contained in an OIG system of records.
- (3) Obtain approval from the Disclosure Officer, an Assistant Inspector General, or the Office of Legal Counsel before releasing personal privacy information for an OIG system of records to a person or entity outside of the OIG.
- (4) Avoid careless or negligent acts in the handling of personal privacy information.

7. PENALTIES

The Privacy Act provides for both criminal and civil penalties for violation of its provisions.

8. EFFECTIVE DATES AND CANCELLATION

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This Directive is effective immediately and will remain in effect until canceled or superseded. It requires implementation of action items, and contains information of a continuing nature.