

Chapter 9

Freedom of Information Act and Privacy Act

The Freedom of Information Act (FOIA) provides that any person has the right to request access to Federal documents and other information. Agencies of the Federal Government are required to disclose documents after receiving a FOIA request for them, unless those documents are protected from disclosure by one of nine exemptions of the FOIA.

The Privacy Act (PA) protects individuals against clearly unwarranted invasion of their personal privacy. The PA informs individuals as to what information is maintained on them and where the information is stored. The PA allows individuals to access documents maintained in a PA System of Records (records retrievable by an individual's name or other personal identifier assigned to that individual) and to request amendments to the records. Documents maintained in a PA System of Records are available to a first-party requester (individual that the record pertains to) or their representative unless the records fall within the exemptions of both the PA and the FOIA.

The Administrator has overall responsibility for complying with these two laws. The FOIA Officers, headquartered on the Information Staff, acts for the Administrator. Therefore, any FOIA/PA requests should be directed immediately to the FOIA Office for a response. If you receive a subpoena or subpoena duces tecum, contact the Employee Relations Branch for guidance.

Personnel information that is routinely released to the public under these laws includes: name, present and past position titles, occupational series, present and past grades, present and past annual salary rates, present and past duty stations, position descriptions, identification of job elements, and performance standards (but not actual performance appraisals).

Acronyms: See [Chapter 22](#) for commonly used acronyms and abbreviations.

References: Freedom of Information Act and Privacy Act Reference Guide
<http://www.ars.usda.gov/Services/docs.htm?docid=1398>

P&P 116.0 – Freedom of Information Act and Privacy Act
Guidelines 5 U.S.C. 552 and 552a.
<http://www.afm.ars.usda.gov/ppweb/PDF/116-0.pdf>

Web Sites: AFM Policies & Procedures and Manuals
www.afm.ars.usda.gov/ppweb/pplist/htm

Points of Contact:

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