

CONTRACT NUMBER	CONTRACTOR NAME	TERM OF CONTRACT	AMOUNT IN DOLLARS	CONTRACT DESCRIPTION
QTR-0000-C-00-4266-00	XEROX SPECIAL INFORMATION SYSTEMS	84/02/01-87/07/31	\$608,330	PROVIDE REPAIR AND MAINTENANCE SERVICE FOR THE XEROX REPOTE AUTOMATED REPRODUCTION AND COLLATING SYSTEM
QTR-0000-C-00-5184-00	YATES, WALTER T.	85/09/20-87/09/19	\$34,100	PROVIDE TECHNICAL PROFESSIONAL SERVICES TO THE OFFICE OF SECURITY IN THE AREA OF INVESTIGATIVE RESEARCH
PDC-0230-G-SS-4128-00	YOUNG MEN'S CHRISTIAN ASSOCIATION (YMCA)	84/09/21-86/02/28	\$24,000	PROVIDE SUPPORT FOR A DEVELOPMENT EDUCATION PROJECT
PDC-0230-G-SS-6105-00	YOUNG MEN'S CHRISTIAN ASSOCIATION OF THE U.S.A.	86/09/08-88/09/30	\$24,000	GRANTEE SHALL PROVIDE PARTIAL SUPPORT FOR A DEVELOPMENT PROGRAM
QTR-0000-I-02-4426-00	YOUNG, ARTHUR, AND COMPANY	85/05/01-85/10/31	\$46,166	CONTRACTOR SHALL ASSIST AID IN THE PREPARATION OF ITS FINANCIAL ACCOUNTING CONTROL SYSTEM (FACS) FOR FY 1986
QTR-0000-I-05-4426-00	YOUNG, ARTHUR, AND COMPANY	85/09/09-86/02/02	\$173,351	CONTRACTOR SHALL ASSIST AID'S OFFICE OF FINANCIAL MANAGEMENT WITH THE COLLECTION OF DISBURSEMENT INFORMATION FOR FY 1984
QTR-0000-I-06-4426-00	YOUNG, ARTHUR, AND COMPANY	85/09/20-85/12/31	\$26,494	CONTRACTOR SHALL PERFORM A FINANCIAL REVIEW AND PRE-AUDIT SURVEY OF FIVE CONTRACTORS
QTR-0000-I-07-4426-00	YOUNG, ARTHUR, AND COMPANY	85/11/01-86/04/30	\$8,165	CONTRACTOR SHALL ASSIST IN PREPARATION OF AID'S FINANCIAL ACCOUNTING CONTROL SYSTEM (FACS) FOR FY 1986 PROCESSING
DTR-0000-I-08-4426-00	YOUNG, ARTHUR, AND COMPANY	86/04/03-86/07/03	\$27,754	CONTRACTOR SHALL CONDUCT COMPLIANCE REVIEWS OF SELECTED REIMBURSABLE GRANT AGREEMENTS
QTR-0000-I-10-4426-00	YOUNG, ARTHUR, AND COMPANY	86/06/12-86/10/31	\$3,931	CONTRACTOR SHALL ASSIST IN MONITORING AID'S FINANCIAL ACCOUNTING CONTROL SYSTEM (FACS) DATA FOR FISCAL YEAR 1986
QTR-0000-I-12-4426-00	YOUNG, ARTHUR, AND COMPANY	86/09/12-86/01/22	\$51,726	CONTRACTOR SHALL CONDUCT A REVIEW OF AID'S VOUCHER EXAMINER FUNCTIONS
QTR-0000-C-00-5182-00	YOUNG, KENNETH A.	85/09/20-87/09/19	\$19,100	PROVIDE TECHNICAL PROFESSIONAL SERVICES TO THE OFFICE OF SECURITY IN THE AREA OF INVESTIGATIVE RESEARCH
532-0069-0-00-5150-00	3M COMPANY	85/08/09-85/12/20	\$730	SUPPLY ONE OVERHEAD PROJECTOR WITH CARRYING CASE TO USAID/JAMAICA
SUB-TOTAL			\$121,990,776	
TOTAL - UNITED STATES			\$121,990,776	

		EUROPE			
CONTRACT NUMBER	CONTRACTOR NAME	TERM OF CONTRACT	AMOUNT IN DOLLARS	CONTRACT DESCRIPTION	
AFR-0421-C-00-5026-00	SMITH KLINE-RII	05/05/17-07/05/17	UNFUNDED	PROVIDE AND SHIP UP TO 4,000,000 DOSES OF PEASLES VACCINE IN TEN-DOSE VIALS TO AFRICAN COUNTRIES IN EACH ORDER	
SUB-TOTAL					
145-8101-S-00-3008-00	BIAGINI, TULLIO A.	02/09/16-06/06/30	\$200,000	CONTRACTOR SHALL SERVE AS ASSISTANT TO THE AII REPRESENTATIVE IN THE USAID MISSION	
145-8101-S-00-2020-00	CATHOLIC RELIEF SERVICES (CRS)	02/09/30-06/09/30	\$4,675,604	TO PROVIDE SUPPORT FOR EARTHQUAKE RECONSTRUCTION ACTIVITIES IN SOUTHERN ITALY	
145-8101-S-00-3009-00	CATHOLIC RELIEF SERVICES (CRS)	03/03/07-06/09/30	\$2,283,843	TO PROVIDE SUPPORT FOR EARTHQUAKE RECONSTRUCTION ACTIVITIES IN SOUTHERN ITALY	
145-8101-C-00-4023-00	COOP. MUCAFER	04/08/21-06/06/01	LOCAL CURRENCY	CONTRACTOR SHALL CONSTRUCT A SCHOOL	
145-8101-C-00-4015-00	COOP. MUCAFER	04/06/22-05/10/31	LOCAL CURRENCY	CONSTRUCTION OF A MULTIPURPOSE BUILDING	
145-8101-C-00-4010-00	COOP. MUCAFER	04/05/11-06/01/11	LOCAL CURRENCY	CONSTRUCTION OF A SCHOOL	
145-8101-C-00-5017-00	COOP. MUCAFER	05/02/26-06/09/15	LOCAL CURRENCY	CONTRACTOR SHALL CONSTRUCT A SCHOOL AT COMUNE DI CONZA DELLA CAMPANIA, ITALY	
145-8101-C-00-4021-00	GE. CO. FERR. S.P.A.	04/08/21-06/06/01	LOCAL CURRENCY	CONTRACTOR SHALL CONSTRUCT A SCHOOL	
145-8101-C-00-4022-00	IMPRESA EDILE ARTIGIANA	04/08/21-06/06/01	LOCAL CURRENCY	CONTRACTOR SHALL CONSTRUCT A SCHOOL	
HSH-1355-S-00-5027-00	JOHNS HOPKINS UNIVERSITY	06/05/28-06/09/30	\$325,000	GRANTEE SHALL PROVIDE FELLOWSHIPS AND PROCURE EDUCATIONAL MATERIALS FOR THE ECLONGA CENTER IN ITALY	
NER-0401-A-00-4121-00	LATIN AMERICAN SCHOLARSHIP PROGRAM OF AMERICAN UNIVERSITIES (LASPAU)	04/09/30-08/09/30	\$1,500,000	PROVIDE SUPPORT FOR THE SOUTHERN ITALY FELLOWSHIP PROGRAM	
145-8101-C-00-4009-00	MMM DESIGN GROUP INTERNATIONAL, LTD.	04/03/24-05/12/31	\$772,750	PROVIDE ALL NECESSARY LABOR MATERIAL AND LOGISTIC SUPPORT REQUIRED TO SUPERVISE CONSTRUCTION OF FIVE SCHOOLS	
145-8101-S-00-3015-00	MMM DESIGN GROUP INTERNATIONAL, LTD.	04/04/01-05/12/31	\$200,000	CONTRACTOR SHALL DEVELOP ARCHITECT/ENGINEERING PLANS AND SPECIFICATIONS FOR COMPLETION OF A SCHOOL IN SAN WANGU, ITALY	
145-8101-C-00-5012-00	OK DESIGN GROUP	04/12/20-08/08/20	\$52,210	CONTRACTOR SHALL CARRY OUT THE ARCHITECTURAL AND ENGINEERING DESIGN OF AN EARTHQUAKE RESISTANT SCHOOL	
FDA-0000-0-00-6004-00	RANN, JERRY	06/07/30-06/08/06	\$4,366	CONTRACTOR SHALL STUDY OTHER DONORS' LOCALS AND GRASSROOTS CONTROL PROGRAMS IN AFRICA	

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AFGHANISTAN

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CONTRACT NUMBER	CONTRACTOR NAME	TERM OF CONTRACT	AMOUNT IN DOLLARS	CONTRACT DESCRIPTION
NEAR EAST				
ANE-0290-C-00-6016-00	ACADEMY FOR EDUCATIONAL DEVELOPMENT, INC. AFGHANAIID	85/11/08-86/07/31	\$158,752	CONTRACTOR SHALL PROVIDE ADVISORY EDUCATIONAL SERVICES PROVIDE APBALANCE SYSTEM TO PROVIDE TRANSPORT FOR WOUNDED AND CHRONICALLY SICK AFGHANS TO PAKISTAN BORDER
ASB-0000-G-55-5130-00	AMERICAN FRIENDS OF AFGHANISTAN	85/10/11-87/09/15	\$120,000	GRANTEE SHALL PRODUCE AND DISTRIBUTE TEXTBOOKS FOR AFGHANISTAN
306-0621-G-55-6004-00	AMERICAN MANUFACTURERS EXPORT GROUP	86/06/03-87/06/03	\$20,000	CONTRACTOR SHALL ESTABLISH AND OPERATE A PROCUREMENT AND DELIVERY SYSTEM FOR COMMODITIES
306-0205-C-00-6011-00	AMERICARES FOUNDATION	86/08/15-89/08/14	\$7,160,000	GRANT PROVIDES SUPPORT FOR MEDICAL SUPPLIES/FOOD RELIEF PROGRAM
ASB-0290-G-55-5131-00	AMERICARES FOUNDATION	85/07/15-87/09/15	\$425,000	PROVIDE SUPPORT FOR A PROGRAM TO AID THE HUMANITARIAN WORK OF THE AFGHANISTAN EDUCATION COMMITTEE
ANE-0290-G-55-6029-00	AMERICARES FOUNDATION	86/02/03-87/02/02	\$75,000	SUPPORT PROGRAM TO TRANSPORT MEDICAL RELIEF SUPPLIES AND FOOD FOR AFGHANISTAN VICTIMS OF MILITARY AGGRESSION
ANE-0390-G-55-6022-00	AMERICARES FOUNDATION	85/12/18-86/12/20	\$150,000	GRANT SHALL BE USED TO IMPROVE AND EXPAND BAK'S HEALTH SERVICES ACTIVITIES
ANE-0290-G-55-5037-00	BONNER AFGHANISTAN COMMITTEE	86/04/25-87/04/22	\$450,000	PROVIDE SUPPORT FOR AN EMERGENCY FOOD PROGRAM FOR DISPLACED PERSONS IN AFGHANISTAN
ASB-0000-G-55-5092-00	INTERNATIONAL RESCUE COMMITTEE	85/06/11-86/11/30	\$2,239,000	GRANT SHALL B USED TO EXPAND A PHARMACEUTICAL TRAINING FOR AFGHAN REFUGEES PROGRAM
ASB-0300-G-55-5052-00	INTERNATIONAL RESCUE COMMITTEE	85/02/19-86/02/12	\$112,000	
SUB-TOTAL				\$11,609,752
CYPRUS				
NEB-0002-A-00-1073-00	AMERICAN MIDEAST EDUCATIONAL AND TRAINING SERVICES, INC. (AMIDEAST)	81/09/25-89/07/31	\$35,255,000	PROVIDE FINANCIAL ASSISTANCE TO SELECTED STUDENTS FROM CYPRUS FOR A HIGHER LEVEL EDUCATION IN U.S. INSTITUTIONS
EGYPT				
263-0031-3-00-6022-00	ADERY, DENNIS	86/03/09-86/06/07	\$12,958	CONTRACTOR SHALL PROVIDE EXTENSION SERVICES
263-0000-5-00-6026-00	ABULMAAL, MUHITH	86/01/07-86/01/12	\$5,850	CONTRACTOR SHALL PROVIDE TIMELY ORAL REPORTS AND BRIEFINGS TO THE USAID DIRECTOR, AS APPROPRIATE
263-0029-C-00-4057-00	ACADEMY FOR EDUCATIONAL DEVELOPMENT, INC.	83/10/05-86/10/30	\$1,612,149	TO ASSIST EGYPTIAN ORGANIZATIONS IN IMPROVING THE EFFECTIVENESS OF POPULATION INFORMATION, EDUCATION AND COMMUNICATION

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 YEMEN ARAB REPUBLIC

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CONTRACT NUMBER	CONTRACTOR NAME	NEAR EAST		AMOUNT IN DOLLARS	CONTRACT DESCRIPTION
		TERM OF CONTRACT			
279-0052-I-00-6013-00	WASHINGTON STATE UNIVERSITY	06/07/09-09/07/08		110,000	BASIC IQC FOR SERVICES IN THE FIELD OF RURAL DEVELOPMENT TO BE PERFORMED UNDER ACRK ORDERS
PDC-1406-I-10-4062-00	WESTINGHOUSE ELECTRIC CORPORATION	85/06/16-85/12/15		146,547	CONTRACTOR SHALL SUPERVISE AND ASSIST WITH A MATERIAL AND PERINATAL MORTALITY SURVEY FOR THE YEMEN MINISTRY OF HEALTH
279-0000-C-00-6043-00	YAFAY TRADING AND GENERAL CONTRACTING COMPANY, LIMITED	86/09/30-86/12/15		103,040	CONTRACTOR SHALL PROVIDE CONSTRUCTION SERVICES TO USAII/YEMEN
			SUB-TOTAL	\$67,282,847	
			TOTAL - NEAR EAST	\$408,514,075	

ASIA

CONTRACT NUMBER	CONTRACTOR NAME	TERM OF CONTRACT	AMOUNT IN DOLLARS	CONTRACT DESCRIPTION
388-0000-C-00-4022-00	A BANG FURNITURE	84/09/05-86/02/01	\$45,861	CONTRACTOR SHALL SUPPLY FURNITURE
388-0061-C-00-6034-00	ART ASSOCIATES, INC.	86/02/19-86/12/31	\$53,266	CONTRACTOR SHALL EVALUATE THE FOOD FOR WORK PROGRAM
388-0000-S-00-6010-00	AMMED, ASLAM	86/03/02-87/03/01	LCCAL	CONTRACTOR SHALL PERFORM FINANCIAL ANALYSIS SERVICES
388-0000-S-00-6022-00	ALAMGIR, KHUNDUKAR	86/04/23-87/04/22	CURRENCY	CONTRACTOR SHALL PROVIDE THE SERVICES OF A DRIVER TO USAID/BANGLADESH
388-0000-S-00-6039-00	ALEXANDER, CAROL HERMOINE	85/01/20-87/01/15	LCCAL	PERFORM SECRETARIAL AND ADMINISTRATIVE DUTIES FOR USAID/BANGLADESH
LAC-0000-I-01-5125-00	AMERICAN MANUFACTURERS EXPORT GROUP	86/01/06-87/07/31	\$8,455	CONTRACTOR SHALL PROVIDE PROCUREMENT AGENT SERVICES (2455 USED OUT OF FUNDS FROM BASIC IQC)
388-0000-S-00-6039-00	ANSHARY, SEYFUL	86/06/03-87/06/02	LCCAL	CONTRACTOR SHALL SERVE AS A DRIVER FOR USAID/BANGLADESH
388-0000-S-00-6017-00	ANTHONY, SHERRY	86/05/01-87/04/30	CURRENCY \$2,414	CONTRACTOR SHALL PROVIDE ADMINISTRATIVE AND SECRETARIAL SUPPORT TO THE OFFICE OF ECONOMICS
388-0045-G-55-1022-00	ASIA FOUNDATION	81/06/22-85/11/30	\$722,454	TO PROVIDE SUPPORT FOR PROGRAM RELATED TO ENERGY FROM RICE HUSKS
388-0050-A-00-1018-00	ASIA FOUNDATION	81/09/14-89/09/30	\$7,392,432	GRANTEE SHALL PROVIDE FINANCIAL AND FAMILY PLANNING ADVISORY SUPPORT TO AGEN-GOVERNMENTAL BANGLADESHI ORGANIZATIONS
388-0050-A-00-1014-00	ASSOCIATION FOR VOLUNTARY SURGICAL CONTRACEPTION	81/03/24-89/09/30	\$10,467,550	GRANTEE WILL SUPPORT A DELIVERY PROGRAM THROUGH ITS SATELLITE CLINICS
388-0050-C-00-5037-00	BANGLADESH PROGRESSIVE ENTERPRISE LTD.	85/09/17-85/10/16	\$41,112	CONTRACTOR SHALL PRODUCE AND DELIVER TWO MILLION COPIES OF THE MOPC CLIENT HISTORY AND INFORMED CONSENT FORM
388-0000-S-00-6062-00	BARAU, SUJIT RANJAN	86/08/10-87/08/05	LCCAL	CONTRACTOR SHALL SERVE AS A DRIVER FOR THE USAID/BANGLADESH MISSION
388-0061-S-00-5046-00	BASHIR, A. Z. H.	85/09/25-86/09/17	CURRENCY	CONTRACTOR SHALL PROVIDE ASSISTANCE IN THE MONITORING AND EVALUATION OF THE BRIDGES AND CULVERTS PROGRAM
388-0000-S-00-6057-00	BEPARY, DILIP GABRIEL	86/09/02-87/09/01	LCCAL	CONTRACTOR SHALL SERVE AS A DRIVER FOR USAID/BANGLADESH MISSION
388-0050-S-00-5038-00	BHUYAN, ABUL KASHEM	85/09/25-86/09/24	LCCAL	TO PROVIDE ASSISTANCE IN THE IMPLEMENTATION OF USAID POLICIES AND STRATEGIES AND MONITOR AND EVALUATE PROJECTS
ASB-0050-S-00-4175-00	BRANDT, PHILIP M.	84/08/27-86/08/27	\$146,500	CONTRACTOR SHALL SERVE AS LOGISTICS MANAGEMENT ADVISOR FOR THE FAMILY PLANNING SERVICES PROJECT
388-0024-C-00-2005-00	BULAYAO, RANULFO S.	82/06/01-86/06/30	\$90,243	CONTRACTOR SHALL ASSIST CHIEF ENGINEER IN MONITORING AND INSPECTING USAID CONSTRUCTION PROJECT

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SRI LANKA

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PDC-1406-I-13-4087-00	RONCO CONSULTING CORPORATION	86/05/25-86/08/24	\$74,000	CONTRACTOR SHALL DEVELOP AN OVERALL STRATEGY FOR MARKETING SUBSIDIARY FIELD CROPS (SFC) AND VEGETABLES
ASB-0249-0-00-5142-00	SACHS, CAROLINE	85/07/22-86/12/31	\$9,325	CONTRACTOR SHALL CONDUCT AN IMPACT EVALUATION OF THE SRI LANKA MISSION'S RICE RESEARCH PROJECT
383-0000-S-00-5027-00	SQUERA, STEPHANIE	85/06/10-86/06/09	\$27,500	CONTRACTOR SHALL SERVE AS EXECUTIVE ASSISTANT FOR USAID
PDC-1406-I-12-4061-00	SNOW, JOHN, PUBLIC HEALTH GROUP, INC.	85/08/13-86/02/07	\$35,020	CONTRACTOR SHALL CONDUCT A HEALTH NEEDS ASSESSMENT FOR THE MAHAWELI DEVELOPMENT AREA
383-0000-S-00-5031-00	VESEY, KATHY	85/09/26-85/10/15	\$756	CONTRACTOR SHALL REVIEW AND SORT PROGRAM OCCURENCS FOR USAID
SUB-TOTAL			\$19,928,889	
TONGA				
879-0251-6-00-1005-00	FOUNDATION FOR THE PEOPLES OF THE SOUTH PACIFIC (FSP)	81/07/01-86/08/31	\$158,521	TO PROVIDE SUPPORT FOR RURAL WATER SUPPLY DEVELOPMENT PROJECT
SUB-TOTAL			\$158,521	

LATIN AMERICA

CONTRACT NUMBER	CONTRACTOR NAME	YEAR OF CONTRACT	AMOUNT IN DOLLARS	CONTRACT DESCRIPTION
536-0000-C-00-5037-00	WINROCK INTERNATIONAL	85/06/21-85/12/31	160,000	CONTRACTOR SHALL EXECUTE AN ECONOMIC ANALYSIS OF THE ANTIGUA-BARBUDA LIVESTOCK SECTOR
BAHAMAS				
ASB-0000-G-55-5126-00	NATIONAL AMERICAN RED CROSS	85/07/05-86/01/05	133,625	PROVIDE COMMUNICATIONS NETWORKS FOR RESPONDING TO HURRICANE AND OTHER DISASTERS IN THE BAHAMAS ISLANDS AND BELIZE
SUB-TOTAL				
			\$60,000	
BARBADOS				
538-0000-S-00-5032-00	BARTMESS, LISA	85/05/14-86/05/14	17,565	CONTRACTOR SHALL SERVE AS RECEPTIONIST FOR USAID
DAN-5053-G-55-5069-00	BENEDICT COLLEGE	85/09/06-87/02/28	188,609	ASSISTANCE TO WICKIE METAL ACCUMULATIONS IN PLANTAINS AND BANANAS WHICH ARE MAJOR FOOD SOURCES TO CARIBBEAN POPULATION*
538-0000-S-00-5012-00	BLENKAN, DARNLEY	85/03/11-87/06/30	121,489	CONTRACTOR SHALL PROVIDE JANITORIAL SERVICES TO USAID MISSION
538-0000-C-00-5021-00	CONSULTING ASSOCIATES, LTD.	85/04/09-86/07/31	LCCAL CURRENCY	CONTRACTOR SHALL ASSIST THE CARIBBEAN CONFEDERATION OF CREDIT UNIONS IN IMPROVING FINANCIAL SELF-SUFFICIENCY
534-0000-S-00-5020-00	CROWLEY, KAY A.	85/04/15-86/04/14	119,202	SERVE AS ADMINISTRATIVE ASSISTANT TO POPULATION ADVISOR AND HEALTH ON PROJECT DESIGN ACTIVITIES
538-0081-S-00-4070-00	DUBINSKY, ROBERT	84/01/25-85/10/19	160,000	TO SERVE AS ADVISOR TO THE GOVERNMENT OF BARBADOS IN CONNECTION WITH THE PRIVATE INITIATIVES IN HOUSING PROJECT
538-0000-S-00-6041-00	GRIFFITH, CLYDE	86/06/26-87/06/25	LCCAL CURRENCY	CONTRACTOR SHALL PROVIDE PRIVATE SECTOR ANALYSIS SERVICES TO THE REGIONAL DEVELOPMENT OFFICE/CARIBBEAN
538-0000-S-00-6044-00	GRIFFITH, JANICE	86/07/10-87/07/09	LCCAL CURRENCY	CONTRACTOR SHALL SERVE AS SECRETARY FOR THE REGIONAL DEVELOPMENT OFFICE/CARIBBEAN
LAC-0087-C-00-4030-00	INSTITUTE OF INTERNATIONAL EDUCATION (IIE)	84/04/23-87/04/23	12,039,878	PROVIDE SUPPORT IN LOCATING AND PLACING APPROPRIATE PARTICIPANTS IN TRAINING PROGRAMS IN UNITED STATES AND CARIBBEAN
DAN-5053-G-55-5056-00	LINCOLN UNIVERSITY	85/08/19-87/07/31	176,684	SUPPORT PROGRAM *SELECTION STUDY TO IMPROVE REPRODUCTIVE PERFORMANCE AND CARCASS QUALITY OF BARBADOS BLACK-BELLY SHEEP*
538-0000-S-00-5041-00	MANNING, VALERIE	85/08/09-85/10/31	13,653	CONTRACTOR SHALL PERFORM THE DUTIES OF AN ADMINISTRATIVE ASSISTANT

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VENEZUELA

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LATIN AMERICA

CONTRACT NUMBER	CONTRACTOR NAME	TERM OF CONTRACT	AMOUNT IN DOLLARS	CONTRACT DESCRIPTION
LAC-0000-G-55-5093-00	FAMILY OF THE AMERICAS FOUNDATION, INC.	85/08/16-85/10/15	586,131	PRYIAL SUPPORT FOR THE III INTERNATIONAL CONGRESS FOR THE FAMILY OF THE AMERICAS WHICH TAKES PLACE EVERY TWO YEARS
OYR-0000-0-00-5162-00	WHITE, F. C.	85/09/03-85/12/31	19,356	CONTRACTOR SHALL PREPARE A REPORT ON THE VENEZUELAN EXPERIENCE IN ESTABLISHING A DEMOCRACY
SUB-TOTAL			\$895,489	
TOTAL - LATIN AMERICA			3402,201,360	

AFRICA

CONTRACT NUMBER	CONTRACTOR NAME	TERM OF CONTRACT	AMOUNT IN DOLLARS	CONTRACT DESCRIPTION
633-0001-C-00-3003-00	ACADEMY FOR EDUCATIONAL DEVELOPMENT, INC.	82/12/14-87/12/14	\$4,252,013	TO PROVIDE EXPATRIATE PERSONNEL TO THE GOVERNMENT OF BOTSWANA TO FILL MANPOWER DEFICITS WHILE ALSO PROVIDING TRAINING OPPORTUNITIES TO THE PERSONNEL.
HSK-1162-G-55-6021-00	ADVENTIST DEVELOPMENT AND RELIEF AGENCY INTERNATIONAL	86/05/28-87/12/31	\$800,000	GRANTEE SHALL SECURE ARCHITECTURAL/CONSTRUCTION SERVICES AND EQUIPMENT FOR RENOVATION OF KAYNE HOSPITAL IN BOTSWANA.
AID/ASHA-374	AMERICAN FRIENDS OF MARGA A PURA SCHOOL, INC.	85/07/26-87/12/31	\$425,000	CONTRACTOR SHALL PROVIDE ASSISTANCE TO CONSTRUCT AN ADDITION TO THE SCHOOL LIBRARY.
633-0000-5-00-5014-00	BLAINE, KATHY	86/07/07-87/07/06	LOCAL CURRENCY	CONTRACTOR SHALL PROVIDE SECRETARIAL SERVICES.
633-0000-5-00-2002-00	BUBE, SYLVESTER	82/01/01-86/12/31	\$10,318	TO PERFORM THE SERVICES OF A DRIVER.
QTR-0000-5-10-6134-00	FOOD AND AGRICULTURE ORGANIZATION	86/08/28-86/12/31	\$1,050,567	GRANTEE SHALL SUPPORT LOCUST/GRASSHOPPER CONTROL PROGRAM FOR BOTSWANA.
633-0000-5-00-6009-00	KEDARPE, ELLEN	86/07/01-87/07/01	LOCAL CURRENCY	CONTRACTOR SHALL PROVIDE CLEANING SERVICES.
633-0000-5-00-2023-00	KWADDI, BUTIE	82/04/05-86/09/04	LOCAL CURRENCY	TO PERFORM THE SERVICES OF A MESSENGER.
633-0000-5-00-6017-00	KWAUDI, BUTIE	86/09/05-87/09/04	LOCAL CURRENCY	CONTRACTOR SHALL SERVE AS COPY/TELEX/MAIL SUPERVISOR.
633-0000-5-00-5013-00	KGOSIMONE, MOUTUMÉLO	86/07/01-87/06/30	LOCAL CURRENCY	CONTRACTOR SHALL PROVIDE CLEANING SERVICES.
633-0000-5-00-6015-00	KODE, ALFRED	86/09/30-87/09/29	LOCAL CURRENCY	CONTRACTOR SHALL SERVE AS A CHAUFFEUR.
633-0000-5-00-6020-00	MANTHE, PEGGY	86/09/10-87/09/10	LOCAL CURRENCY	CONTRACTOR SHALL PROVIDE SECRETARIAL SERVICES.
AFR-0021-C-00-2020-00	MIDAMERICA INTERNATIONAL AGRICULTURAL CONSORTIUM (MIAC)	82/07/01-87/07/01	\$1,765,200	ADVISE AND ASSIST BOTSWANA GOVERNMENT ON IMPLEMENTING THEIR AGRICULTURAL TECHNOLOGY IMPROVEMENT PROJECT.
633-0000-5-00-6012-00	MIZI, SESULA	86/07/01-87/06/30	LOCAL CURRENCY	CONTRACTOR SHALL PROVIDE THE SERVICES OF A LABORER.
633-0000-5-00-6010-00	MOKANO, LORATO	86/07/01-87/06/30	LOCAL CURRENCY	CONTRACTOR SHALL PROVIDE CLEANING SERVICES.
633-0000-5-00-6015-00	MOKONE, KATE	86/07/17-87/04/27	LOCAL CURRENCY	CONTRACTOR SHALL SERVE AS SUPPLY/PROPERTY SUPERVISOR.
633-0000-5-00-6018-00	MOTLAPELE, VIVIAN	86/09/18-87/04/18	LOCAL CURRENCY	CONTRACTOR SHALL SERVE AS TELEPHONE/RECEPTIONIST.
633-0000-5-00-2005-00	MOTLOTSEGI, RAMAARYA	81/12/24-86/03/06	\$9,134	TO PERFORM THE SERVICES OF A FILE CLERK/DRIVER.
AFR-0022-C-00-1006-00	OHIO UNIVERSITY	81/06/19-86/08/31	\$4,679,469	TO ACCOMPLISH THE PRIMARY EDUCATION IMPROVEMENT PROJECT OBJECTIVES.
633-0000-5-00-2001-00	PILANE, PILANE	82/01/01-85/12/31	\$14,783	TO PERFORM THE SERVICES OF A DRIVER.
633-0000-5-00-3014-00	SEKAKWAY, TIDIMALO C.	84/03/01-86/03/02	LOCAL CURRENCY	CONTRACTOR SHALL PERFORM THE DUTIES OF SECRETARY TRAINEE.

AFRICA

CONTRACT NUMBER	CONTRACTOR NAME	TERM OF CONTRACT	AMOUNT IN DOLLARS	CONTRACT DESCRIPTION
613-0215-C-00-1031-00	INSTITUTE OF INTERNATIONAL EDUCATION (IIE)	82/12/23-87/12/31	\$3,176,364	TO TRAIN ZIMBABWE PERSONNEL IN SMALL FARM AGRICULTURE, TECHNICAL MANPOWER DEVELOPMENT, MANAGEMENT, TEACHING AND HEALTH
613-0000-S-00-5030-C0	JENKINS-JONHSTON, JULIET	85/09/02-86/09/01	LCCAL CURRENCY \$22,000	CONTRACTOR SHALL SERVE AS FINANCIAL MANAGEMENT SPECIALIST
613-0000-S-00-6049-00	LIGHT, ELISABETH	86/09/26-87/09/26	LCCAL CURRENCY \$3,500	CONTRACTOR SHALL SERVE AS VOUCHER EXAMINER
613-0000-S-00-5029-00	MADIMU, CAROLINE J.	85/09/17-86/09/16	LCCAL CURRENCY \$3,500	CONTRACTOR SHALL PERFORM SECRETARIAL DUTIES
613-0000-S-00-5028-00	MCCALL, KATHY	85/02/05-86/04/11	LCCAL CURRENCY \$3,500,000	CONTRACTOR SHALL SERVE AS VOUCHER EXAMINER
613-0209-C-00-4007-00	MICHIGAN STATE UNIVERSITY	84/03/31-89/03/31	\$3,500,000	AGRICULTURE SECTOR ASSISTANCE
613-0000-U-00-6028-00	MILLER, JULIA	85/12/11-86/02/31	\$1,006	CONTRACTOR SHALL PROVIDE SECRETARIAL SERVICES
613-0000-S-00-5011-00	MUSHAUKI, JOSHUA G.	85/03/01-86/02/28	\$12,600	PERFORM A VARIETY OF CONSULTATIVE, PLANNING AND RELATED SERVICES FOR LSAIL AGRICULTURE AND RURAL DEVELOPMENT PROGRAM
613-0206-S-00-5025-00	MUYITI, BENJAMIN	86/06/01-87/05/31	LCCAL CURRENCY	CONTRACTOR SHALL ACT AS TRANSPORTATION ASSISTANT TO WORK WITH A REGIONAL ENGINEER
613-0000-S-00-5001-00	NDUWA, MARGARET	84/11/05-85/11/04	LCCAL CURRENCY	SERVE AS A OIS TRAINER/SYSTEMS SUPERVISOR/SECRETARY TO THE CONTROLLER
613-0231-S-00-6026-00	NOBLE, RAMON	86/05/14-87/05/13	LCCAL CURRENCY \$30,000	CONTRACTOR SHALL SERVE AS A RAILROAD TRACK INSPECTOR
PDC-1006-I-11-4037-00	RDNGO CONSULTING CORPORATION	86/04/17-86/06/15	\$30,000	CONTRACTOR SHALL DETERMINE THE IMPACT OF THE SANYATI COTTON GIN UPON SMALLHOLDER COTTON PRODUCTION IN THE GOKWE AREA
613-0217-A-00-4006-00	SAN DIEGO STATE UNIVERSITY	84/02/23-87/08/30	\$750,000	TO PROVIDE SUPPORT FOR A PROJECT ENTITLED "CHILD SPACING AND FERTILITY"
613-0131-S-00-5021-00	SANTOS, LUIS	86/05/14-88/05/13	\$51,500	CONTRACTOR WILL ASSIST IN THE DEVELOPMENT OF THE REGIONAL TRANSPORT DEVELOPMENT PHASE I
613-0000-S-00-5013-00	SCANLIN, LINDA	85/06/09-86/06/06	\$14,250	CONTRACTOR SHALL SERVE AS VOUCHER EXAMINER FOR USAID
613-0000-S-00-5016-00	STURGESS, SIMONE M.	85/07/12-86/07/11	LCCAL CURRENCY	CONTRACTOR SHALL SERVE AS PROJECT ASSISTANT TO THE USAID COMMODITY MANAGEMENT OFFICER
OTR-0000-1-26-3315-00	TECHNICAL SUPPORT SERVICES, INC./ADVANCED TECHNOLOGY, INC.	86/01/02-86/03/02	\$24,825	CONTRACTOR SHALL DEVELOP A PAPER TO BE PRESENTED AT THE ANNUAL CONFERENCE ON FOCUSING AND URBAN DEVELOPMENT
613-0000-S-00-5025-00	WILLIAMS, GILLIAN	85/06/01-86/07/31	LCCAL CURRENCY	CONTRACTOR SHALL PROVIDE SECRETARIAL SUPPORT TO USAID

ALPHABETICAL LISTING OF CONTRACTS AND GRANTS
WITH UNIVERSITIES, FIRMS, AND
NON-PROFIT INSTITUTIONS

WORLDWIDE

CONTRACT NUMBER	CONTRACTOR NAME	TERM OF CONTRACT	AMOUNT IN DOLLARS	CONTRACT DESCRIPTION
AID/D5AN-6-0047	A. T. INTERNATIONAL	78/08/31-86/09/30	\$23,655,817	GRANT SUPPORT FOR THE DEVELOPMENT AND DISSEMINATION OF TECHNOLOGIES APPROPRIATE FOR DEVELOPING COUNTRIES STRENGTHEN THE CAPACITY TO FACILITATE THE DEVELOPMENT AND ASSESSMENT OF TECHNOLOGIES APPROPRIATE IN DEVELOPING COUNTRIES
DAN-5422-A-00-3047-00	A. T. INTERNATIONAL	83/09/30-88/09/30	\$15,606,000	BASIC IQC FOR SERVICES IN THE FIELD OF FOCUSING SERVICES TO BE PERFORMED UNDER WORK ORDERS
UTR-0000-I-00-5343-00	ABELES, SCHWARTZ, HAECKEL AND SILVERBLATT	83/10/01-86/06/30	\$2,750	APPRAISE PARTICIPATING AID FIELD MISSIONS, KNOWLEDGE OF POLICY ISSUES AFFECTING AGRICULTURAL AND RURAL DEVELOPMENT
DAN-4014-C-00-3027-00	ABT ASSOCIATES, INC.	83/04/30-88/09/29	\$6,957,345	DEVELOP AND TEST MODELS OF HOW COMMUNICATION SATELLITES CAN HELP PROVIDE INFORMATION AND SERVICES FOR RURAL DEVELOPMENT
DPE-5811-C-00-1027-00	ABT ASSOCIATES, INC.	81/08/17-85/12/16	\$854,413	BASIC IQC FOR PROJECT ANALYSIS AND EVALUATION. SERVICES TO BE PERFORMED UNDER WORK ORDERS
PDC-0000-I-00-3080-00	ABT ASSOCIATES, INC.	83/04/01-86/03/31	\$500	BASIC IQC FOR SERVICES IN THE FIELD OF FOCUSING AND URBAN DEVELOPMENT TO BE PERFORMED UNDER WORK ORDERS
PDC-0000-I-00-6137-00	ABT ASSOCIATES, INC./NATIONAL COUNCIL OF SAVINGS INSTITUTIONS	86/09/15-89/09/14	110,000	CONTRACTOR SHALL DEVELOP A SYSTEM AND METHODOLOGY FOR USE OF MASS MEDIA FOR HEALTH EDUCATION
AID/USPE-C-0023	ACADEMY FOR EDUCATIONAL DEVELOPMENT, INC.	78/09/30-86/09/30	\$4,111,021	RURAL SATELLITE - APPLICATION & HARDWARE MANAGEMENT
AID/USPE-C-0041	ACADEMY FOR EDUCATIONAL DEVELOPMENT, INC.	80/03/31-87/09/30	\$6,127,001	BASIC IQC FOR SERVICES IN THE FIELD OF EDUCATION. SERVICES TO BE PERFORMED UNDER WORK ORDERS
PDC-1406-I-00-4052-00	ACADEMY FOR EDUCATIONAL DEVELOPMENT, INC.	84/03/22-87/03/31	0	PRODUCE A STATE-OF-THE-ART PAPER ON INSTRUCTIONAL RADIO
DPE-1231-C-00-4066-00	ACADEMY FOR EDUCATIONAL DEVELOPMENT, INC.	84/09/01-87/05/30	\$694,860	CONTRACTOR SHALL DEVELOP AND DEMONSTRATE AN EFFECTIVE COMMUNICATION METHODOLOGY FOR TECHNOLOGY TRANSFER IN AGRICULTURE
DPE-5426-C-00-5054-00	ACADEMY FOR EDUCATIONAL DEVELOPMENT, INC.	85/09/24-90/09/30	\$2,106,257	TECHNOLOGY DEVELOPMENT OF THE METHODOLOGY BY ITS APPLICATION TO CHILD SURVIVAL
DPE-1118-C-00-5063-00	ACADEMY FOR EDUCATIONAL DEVELOPMENT, INC.	85/08/30-90/09/30	\$5,417,751	IC CONDUCT IMPACT EVALUATIONS AND ORGANIZE A WORKSHOP ON AID ASSISTANCE TO INSTITUTIONS OF AGRICULTURAL HIGHER EDUCATION
PDC-1406-I-31-4052-00	ACADEMY FOR EDUCATIONAL DEVELOPMENT, INC.	86/09/19-87/01/12	\$139,995	

WORLDWIDE

CONTRACT NUMBER	CONTRACTOR NAME	TERM OF CONTRACT	AMOUNT IN DOLLARS	CONTRACT DESCRIPTION
OTR-0000-G-SS-3297-00	WISCONSIN, UNIVERSITY OF	83/08/08-86/06/30	\$76,328	TO SUPPORT A PROGRAM FOR DEVELOPMENT IN DISASTER MANAGEMENT
DAN-5058-G-SS-6552-00	WISCONSIN, UNIVERSITY OF	86/08/29-91/03/31	\$193,000	GRANTEE SHALL INCREASE ITS CAPABILITIES FOR IMPLEMENTING AGRICULTURAL PROJECTS IN DEVELOPING COUNTRIES
DAN-5301-A-00-4033-00	WISCONSIN, UNIVERSITY OF	84/04/01-88/03/31	\$3,628,400	SUPPORT RESEARCH PROJECT ON "ACCESS TO LAND, WATER AND NATURAL RESOURCES"
AID/DSAN-G-0250	WISCONSIN, UNIVERSITY OF-MADISON	80/08/15-86/03/31	\$608,118	TO STRENGTHEN AND CREATE RENOWNED CAPACITY TO ADDRESS THE ISSUES OF FOOD, MALNUTRITION, AND RURAL POVERTY
DAN-5301-I-00-5025-00	WISCONSIN, UNIVERSITY OF-MADISON	85/02/01-88/03/01	UNFUNDED	ESIC IOC FOR SERVICES IN THE FIELD OF RURAL DEVELOPMENT
DPE-0001-G-SS-4064-00	WOMEN'S WORLD BANKING	84/08/31-86/03/01	\$116,250	SUPPORT PROGRAM ENTITLED "REINFORCEMENT OF WOMEN'S WORLD BANKING FINANCIAL ASSISTANCE THROUGH MARKET-ENTRY TRADING
OTR-0078-C-00-3312-00	WORLD EDUCATION, INC.	82/08/30-86/06/30	\$199,710	IMPACT OF INTEGRATED PROGRAMS FOR WOMEN ON FERTILITY-RELATED VARIABLES
DPE-1126-G-IC-6056-00	WORLD HEALTH ORGANIZATION (WHO)	86/07/01-87/09/30	\$2,500,000	GRANTEE SHALL SUPPORT ACTIVITIES UNDER THE TROPICAL DISEASE RESEARCH CONTROL PROGRAM
DPE-5928-G-SS-4069-00	WORLD HEALTH ORGANIZATION (WHO)	84/08/31-89/08/31	\$3,400,000	TO SUPPORT THE "DIARRHEAL DISEASES CONTROL PROGRAM"
DPE-1126-G-IC-5048-00	WORLD HEALTH ORGANIZATION (WHO)	85/08/30-86/03/31	\$2,000,000	SUPPORT OF ACTIVITIES UNDER THE TROPICAL DISEASE RESEARCH PROGRAM
DPE-5948-G-SS-6053-00	WORLD HEALTH ORGANIZATION (WHO)	86/08/01-87/07/31	\$100,000	GRANTEE SHALL ASSIST IN IMPLEMENTING ACTIVITIES UNDER THE VECTOR BIOLOGY AND CONTROL PROGRAM
DPE-5927-G-IC-6054-00	WORLD HEALTH ORGANIZATION(WHO)	86/09/01-88/08/31	\$250,000	GRANTEE SHALL OBTAIN DATA ON THE RECURRING COST REQUIREMENTS FOR SUSTAINING PRIMARY HEALTH CARE IN DEVELOPING COUNTRIES
DPE-5965-G-IC-6059-00	WORLD HEALTH ORGANIZATION(WHO)	86/09/30-87/09/25	\$1,140,500	GRANTEE SHALL IMPLEMENT A GLOBAL PROGRAM FOR THE PREVENTION AND CONTROL OF AIDS
PDC-0233-G-SS-3150-00	WORLD RELIEF CORPORATION	83/03/26-86/09/25	\$1,370,000	TO FACILITATE THE WORK OF LOCAL PROS, CHURCHES AND MISSIONS
DHR-1408-G-SS-6039-00	WORLD RESOURCES INSTITUTE	86/09/01-86/12/31	\$58,535	GRANTEE SHALL PROVIDE SUPPORT FOR A STUDY OF FORESTRY POLICIES CHANGES THAT PROMOTE CONSERVATION, EFFICIENCY AND EQUITY
PDC-0202-G-SS-4139-00	WORLD VISION RELIEF ORGANIZATION (WVRO)	84/09/16-87/05/31	\$2,072,011	PROVIDE SUPPORT FOR WORLD VISION RELIEF ORGANIZATION DEVELOPMENT PROGRAM
PDC-0268-G-SS-5092-00	WORLD WILDLIFE FUND	85/09/27-88/10/31	\$670,000	IMPROVE THE MANAGEMENT OF CRITICAL WILDLIFE AREAS TO INSURE THAT THEY CAN BE USED IN SUPPORT OF DEVELOPMENT NEEDS
PDC-1408-I-00-4054-00	WU PVI, INC.	84/03/29-87/03/31	0	ESIC IOC FOR SERVICES IN THE FIELD OF EDUCATION. SERVICES TO BE PERFORMED UNDER WORK ORDERS

VALUE OF
CONTRACT

ADDRESS

CONTRACTOR

ALABAMA

ALABAMA A&M UNIVERSITY	NORMAL, ALABAMA 35762	\$104,000
ALABAMA UNIVERSITY	UNIVERSITY STATION	\$4,000,000
OF-BIRMINGHAM	BIRMINGHAM, ALABAMA 35294	
AUBURN UNIVERSITY	DEPARTMENT OF FISHERIES AND ALLIED AQUACULTURES	\$3,098,417
	AUBURN, ALABAMA 36849	
DYER, DAVID	P. O. BOX 2235	\$6,561
INTERNATIONAL FERTILIZER	AUBURN, ALABAMA 36830	
DEVELOPMENT CENTER	MUSCLE SHOALS, ALABAMA	\$10,000
INTERNATIONAL FERTILIZER	P. O. BOX 2040	
DEVELOPMENT CENTER (IFDC)	MUSCLE SHOALS, ALABAMA 35660	\$8,445,778
STUART, JOHN	ROUTE 2, BOX 1378	\$29,029
	ORANGE BEACH, ALABAMA 36561	
STUART, JOHN	ROUTE 2, BOX 1878	\$40,971
TUSKEGEE INSTITUTE	ORANGE BEACH, ALABAMA 36561	
	TUSKEGEE INSTITUTE	\$1,519,116
TUSKEGEE UNIVERSITY	TUSKEGEE, ALABAMA 36086	
	TUSKEGEE, ALABAMA 36088	\$528,059

TOTAL NUMBER OF CONTRACTS FOR ALABAMA 10
TOTAL VALUE OF CONTRACTS FOR ALABAMA \$17,761,933

ALASKA

REINHARD, MICHAEL	AGATE AVE. GOLDRIDGE SUBDIVISION, P.O. BOX 83431	\$59,762
	FAIRBANKS, ALASKA 99708	

TOTAL NUMBER OF CONTRACTS FOR ALASKA 1
TOTAL VALUE OF CONTRACTS FOR ALASKA \$59,762

ARIZONA

AMERICAN AG INTERNATIONAL, INC.	2231 N. INDIAN RUINS ROAD, SUITE 5	\$4,000,000
ARIZONA BOARD OF REGENTS	TUCSON, ARIZONA 85715	
ARIZONA UNIVERSITY OF	845 NORTH PARK AVENUE	\$102,322
	TUCSON, ARIZONA 85719	
CONSORTIUM FOR INTERNATIONAL DEVELOPMENT (CID)	845 N. PARK STREET	\$2,485,568
DOUGLAS COUNTY AVIATION	TUCSON, ARIZONA 85719	
	5151 EAST BROADWAY, SUITE 1500	\$34,302,877
	TUCSON, ARIZONA 85711	
	22000 SOUTH PRICE ROAD	
	CHANDLER, ARIZONA 85248	\$1,867,170

VALUE OF
CONTRACT

ADDRESS

CONTRACTOR

WYOMING

BLACKBURN, JAMES J.	1857 NEWTON DRIVE	\$233,479
	CHEYENNE, WYOMING	
MIZELLE, JAMES L.	1946 NEWTON STREET	\$236,479
	CHEYENNE, WYOMING 82001	
WYOMING UNIVERSITY OF	LARAMIE, WYOMING	\$150,556

TOTAL NUMBER OF CONTRACTS FOR WYOMING 3
TOTAL VALUE OF CONTRACTS FOR WYOMING \$620,514

PUERTO RICO

CARIBBEAN MARKETING OVERSEAS CORPORATION	1702 FERNANDEZ JUNCOS AVENUE	\$30,614
CENTER FOR ENERGY AND ENVIRONMENTAL RESEARCH	SANTURCE, PUERTO RICO 00909	\$500
CLAPP ANI MAYNE, INC.	CAPARRA HEIGHTS STATION	
	SAN JUAN, PUERTO RICO 00935	\$2,720,313
COMMONWEALTH OF PUERTO RICO	1606 PONCE DE LEON AVENUE	
	SAN JUAN, PUERTO RICO 00909	\$60,000
	CALLE FORTALIA, NO. 54	
	SAN JUAN, PUERTO RICO 00915	\$24,500
DE CHOUDENS, GIOVANNI	P.O. BOX 29676	
	RIO PIEDRAS, PUERTO RICO 00929	\$153,898
DE TORRES, JUAN R.	9D ESTE, CONDOMINIO LOS PINOS	
	ISLA VERDE, PUERTO RICO 00913	\$100,000
FUNDACION INTERAMERICANA DE CIUDADES, INC.	APARTADO 4355	\$125
LIBROS EN VENTA	SAN JUAN, PUERTO RICO 00905	
	APARTADO 6000	\$360,000
PUERTO RICO UNIVERSITY OF SERVICIOS TECNICOS DEL CARIBE	SAN JUAN, PUERTO RICO	\$4,004,929
	MAYAQUEZ, PUERTO RICO 00708	
	APARTADO DE CORREOS 3029	
	SAN JUAN, PUERTO RICO 00903	\$249,906
SYNETICS FOR MANAGEMENT DECISIONS, INC.	1410 CHASE MANHATTAN BUILDING	
	HATO REY, PUERTO RICO 00918	
YOUNG, ARTHUR, AND COMPANY	PLAZA SCOTIABANK 13TH FLOOR	\$290,011
	SAN JUAN, PUERTO RICO 00936	

TOTAL NUMBER OF CONTRACTS FOR PUERTO RICO 12
TOTAL VALUE OF CONTRACTS FOR PUERTO RICO \$7,594,986

EUROPE INTRAREGIONAL

BONNER AFGHANISTAN KOMITEE	HECKENHEIMER ALLEE 71	\$450,000
	5300 BONN 1, WEST GERMANY	

TOTAL NUMBER OF CONTRACTS FOR EUROPE INTRAREGIONAL 1
TOTAL VALUE OF CONTRACTS FOR EUROPE INTRAREGIONAL \$450,000

VALUE OF
CONTRACT

ADDRESS

CONTRACTOR

GERMANY, FED REP			
INSTITUTE FOR APPLIED GEOSCIENCE SITE SUPPLIES	QUEENWALDING 38, D-5050 CEFENRACH FEDERAL REPUBLIC OF GERMANY P.O. BOX 7021, 4000 DUSSELDORF 1 WEST GERMANY		\$50,000 \$109,500 \$100,000
TONDORF, VOLKE	12, OHLADORGRASEN 2000 HARBURG 62, WEST GERMANY		
TOTAL NUMBER OF CONTRACTS FOR	GERMANY, FED REP	3	
TOTAL VALUE OF CONTRACTS FOR	GERMANY, FED REP		\$259,500
AUSTRIA			
KNEBEL, PETER	OBERRDENSENAVERWALD 50 A-3920 GROS GERUNGS, AUSTRIA		\$411,773
TOTAL NUMBER OF CONTRACTS FOR	AUSTRIA	1	
TOTAL VALUE OF CONTRACTS FOR	AUSTRIA		\$411,773
BELGIUM			
COMMISSION OF THE EUROPEAN COMMUNITIES	RUE DE LA LOI, 200 9AUSSELS, BELGIUM		\$1,000,000
INTERNATIONAL UNION FOR THE SCIENTIFIC STUDY OF POPULATION	RUE DES AUGUSTINS, 34 4000 LIEGE, BELGIUM		\$271,616
PALAMIDIS, POLIENOS	25, RUE KATTEPUT, BOITE 1 1080 BRUXELLES		\$2,675
SMITH KLINE-RIT	89, RUE DE L'INSTITUT 8-1130 RIXENSART - BELGIQUE		
TOTAL NUMBER OF CONTRACTS FOR	BELGIUM	4	
TOTAL VALUE OF CONTRACTS FOR	BELGIUM		\$1,274,493
FRANCE			
ADAMS, ROBERT	167, RUE DE VEZELAY PARIS, FRANCE 75008		\$106,500
CLERQUE, GERNEVIE	157, RUE CHARLES DE GAULLE 78230 - LE PECQ - FRANCE		
INTERNATIONAL PROGRAM FOR THE DEVELOPMENT OF COMMUNICATIONS	PLACE DE FONTENAY 75 PARIS - 7E FRANCE		\$400,000
YARNE, JEAN	69 RUE MOLLET 75017 PARIS, FRANCE		\$136,752
TOTAL NUMBER OF CONTRACTS FOR	FRANCE	4	
TOTAL VALUE OF CONTRACTS FOR	FRANCE		\$643,252

VALUE OF
CONTRACT

CONTRACTOR

ADDRESS

NEPAL

UPHADHYA, RATUK PRASAD
BAUDHA MAHANKAI
KATHMANDU, NEPAL
VAIDYA, MANCA B.
KATHMANDU, NEPAL
WOMEN ACTING TOGETHER FOR
LALITPUR, NEPAL
CHANGE
YOLMU, NINGMA T.
C/O USAID/NEPAL, KALIMATI DURBAR, KALIMATI
YONZONE, FANGRAY THINLEY
KATHMANDU, NEPAL
C/O USAID/KATHMANDU
KALIMATI, KATHMANDU, NEPAL
ZODWA, GOVINDA N.
PATAN
LALITPUR, NEPAL

TOTAL NUMBER OF CONTRACTS FOR NEPAL
TOTAL VALUE OF CONTRACTS FOR NEPAL

110 \$1,122,893

SRI LANKA

INTERNATIONAL IRRIGATION
MANAGEMENT INST
DIGANA VILLAGE VIA KANDY SRI LANKA
INTERNATIONAL IRRIGATION
P. O. BOX 2075
MANAGEMENT INSTITUTE
COLOMBO, SRI LANKA
KILKELLY, KATHLEEN
11 PARK TERRACE
COLOMBO, SRI LANKA
LANKA INSTITUTE OF SOCIAL
61, CARREL ROAD
ECONOMIC STUDIES
COLOMBO, SRI LANKA
VESEY, KATHY
C/O USAID/SRI LANKA
COLOMBO, SRI LANKA

\$9,515
\$1,075,000
\$23,182
\$796

TOTAL NUMBER OF CONTRACTS FOR SRI LANKA
TOTAL VALUE OF CONTRACTS FOR SRI LANKA

5 \$1,108,493

INDIA

ASSOCIATION OF INDIAN
172 JOR BAGH
ENGINEERING INDUSTRY
NEW DELHI, INDIA
C.B.C.I. SOCIETY FOR MEDICAL
C/O ST. JOHN'S MEDICAL COLLEGE
EDUCATION
BANGALORE, INDIA 560034
RELIEF EVERYWHERE
B-28 GREATER KAILASH
NEW DELHI 110046 INDIA
ESCORTS LIMITED
1976, MATHURA ROAD, FARIDABAD-121006
HARYANA, INDIA

\$300,000
\$24,806

REPORT NUMBER: E640W43D

STATE/COUNTRY LISTING OF CONTRACTS AND GRANTS

FROM: OCTOBER 1, 1965, THRU: SEPTEMBER 30, 1966

PAGE NO. 547

VALUE OF CONTRACT

ADDRESS

CONTRACTOR

BURKINA FASO				
ZONGO, JEANNE-MARIE	C/O USAID/UPPER VOLTA			
ZOROME, ABDUL	OUAGADOUGOU, UPPER VOLTA			
	S/C/ VERONIQUE HOORNAERT			
	B. P. 575, OUAGADOUGOU, BURKINA FASO			330,851
TOTAL NUMBER OF CONTRACTS FOR	BURKINA FASO	46		
TOTAL VALUE OF CONTRACTS FOR	BURKINA FASO		\$692,736	
MADAGASCAR				
RAKOTOMALALA, AGNES	B. P. 1265			
	ANTANANARIVO, MADAGASCAR			
TOTAL NUMBER OF CONTRACTS FOR	MADAGASCAR	1		
TOTAL VALUE OF CONTRACTS FOR	MADAGASCAR			
MALI				
SAVE THE CHILDREN FEDERATION	SAVE THE CHILDREN/US			
	OUAGADOUGOU, BURKINA FASSO			
TOTAL NUMBER OF CONTRACTS FOR	MALI	1		
TOTAL VALUE OF CONTRACTS FOR	MALI			
MISC. FRENCH AFRICA				
MEDICAL RESEARCH COUNCIL	KHARTOUM, SUDAN			\$118,750
TOTAL NUMBER OF CONTRACTS FOR	MISC. FRENCH AFRICA	1		
TOTAL VALUE OF CONTRACTS FOR	MISC. FRENCH AFRICA		\$118,750	
TOGO				
COMPANIE DES EXPERTS MARITIMES	B. P. 31			
DU TOGO	LOME, TOGO			
EARLEY DUNCAN	C/O PEACE CORPS			
	LOME, TOGO			
TOTAL NUMBER OF CONTRACTS FOR	TOGO	2		
TOTAL VALUE OF CONTRACTS FOR	TOGO		\$26,000	

11. USAID 1987 Report to Congress on the Implementation
of the Freedom of Information Act

(1987 年度 USAID の情報公開実施状況の上下両院
議長宛報告書；原文)

FILE COPY

MAR 3 1987

The Honorable George Bush
President of the Senate
United States Senate
Washington, DC 20510

Dear Mr. President:

In accordance with section 552 (d) of Title 5, United States Code, each agency is to submit to the President of the Senate and the Speaker of the House of Representatives a report on the activities under the Freedom of Information Act of the preceding calendar year. These reports are referred to appropriate committees of the Congress.

Enclosed is a copy of the report of the activities of the Agency for International Development for 1986.

Sincerely yours,

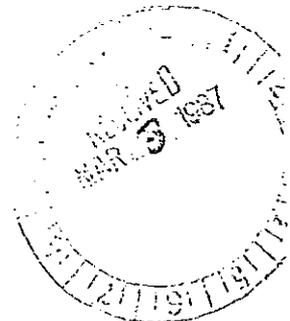
Kelly C. Kammerer

Kelly C. Kammerer
Director
Office of Legislative Affairs

Enclosure: a/s

Clearance: *TB*
AA/XA:TBlank *TB* Date *3/3/87*
LEG/PPLP:PATheil *PA* Date *3/3/87*

TV
XA/PI:RHEA JOHNSON:WLS:2/27/87:X74220



FILE COPY

AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, D.C. 20523

MAR 3 1987

The Honorable James C. Wright, Jr.
Speaker of the House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

In accordance with section 552 (d) of Title 5, United States Code, each agency is to submit to the Speaker of the House of Representatives and the President of the Senate a report on the activities under the Freedom of Information Act of the preceding calendar year. These reports are referred to appropriate committees of the Congress.

Enclosed is a copy of the report of the activities of the Agency for International Development for 1986.

Sincerely yours,

Kelly C. Kammerer

Kelly C. Kammerer
Director
Office of Legislative Affairs

Enclosure: a/s

Clearance:
AA/XA:TBlank _____ Date _____

^{TU}
XA/PI:RHEA JOHNSON:WLS:2/27/87:X74220

Report Required by 5 U.S.C. 552 (d)
Implementation of Freedom of Information Act
AGENCY FOR INTERNATIONAL DEVELOPMENT

1986

In accordance with Section (d) of 5 U.S.C. 552 the following information is submitted for referral to the appropriate committees of Congress.

- (1) The number of determinations made by the Agency for International Development not to comply with requests made ... under subsection (a) and the reasons for each such determination;

A total of 55 such determinations were made (out of 324 requests). In all cases except three requests, only portions of documents were withheld and the remaining parts released.

Reasons cited for the 55 denials of access were as follows:

<u>FOI Act Exemption</u>	<u>*Number of Determinations</u>
552 (b)(1)	2
552 (b)(4)	33
552 (b)(5)	4
552 (b)(6)	40
552 (b)(7)(A)	3

(*In some cases, two or more FOI Act exemptions were cited to justify a single deletion or other denial.)

- (2) "The number of appeals made by persons under subsection (a)(6), the result of such appeals, and the reasons for the action upon each such appeal that results in a denial of access";

Four appeals were filed in 1986. There were partial release of documents in three appeals. Continued denial of some documents were made under (b)(4) and (b)(5). One appeal was denied in total under (b)(1).

"The names and titles or positions of each person responsible for the denial of records requested under this section and the number of instances of participation for each";

Section 212.36 (b) of A.I.D. Regulation 12 (C.F.R. Part 212, February 19, 1975) specifies that "the denial of a request for records (of the Agency for International Development) may be made only by the Assistant Administrator, Bureau of External Affairs, or his/her delegate. The General Counsel shall be consulted prior to a decision to deny access."

In 1986, all such denials were issued by Rhea Johnson, Director, Office of Public Inquiries, Bureau of External Affairs who was delegated authority to sign such denials.

All denials of access were issued following consultations with Jan Miller, Assistant General Counsel for Employee and Public Affairs.

Denial of access in each of the 55 cases cited above was initially recommended (or concurred in) to the Director, Office of Public Inquiries, by one or more of the following:

Gloria Booker Support Division Office of Procurement	04
Nancy Frame Assistant General Counsel Office of General Counsel	01
Jan Miller Assistant General Counsel Office of General Counsel	54
James Harper Public Information Specialist Bureau of External Affairs	22
Patricia Ramsey Legal Officer USAID/Bangladesh	01

Robert Perkins Legal Counselor Office of the Inspector General	01
Gene Richardson Assistant Inspector general for Investigations Office of Investigations & Inspections	02
Marshall Brown Deputy Assistant Administrator Bureau for Latin America and the Caribbean	01

- (4) "The results of each proceeding conducted pursuant to subsection (a)(4)(F), including a report of disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation why disciplinary action was not taken";

There were no proceedings conducted pursuant to subsection (a)(4)(F).

- (5) "A copy of every rule made by (the Agency for International Development) regarding this section";

No new rules were made in 1986.

- (6) "A copy of the fee schedule and the total amount of fees collected by the agency for making records available under this section";

No changes were made in the fee schedule. The schedule in Section 212.35 of A.I.D. Regulation 12 (22 C.F.R. 212.35) remains effective.

Fees collected in 1985 totaled \$4,705.00.

- (7) "Such other information as indicates efforts to administer fully this section";

Amended regulations will be issued in 1987 in accordance with revision of the Act by the 99th Congress and guidance from OMB.

12. Director, Office of Public Inquiries, USAID より
会計検査報告書の公開前の見直しの必要性に
つき注意喚起した部内メモ例 1986年4月
(原文)

April 3, 1986

MEMORANDUM TO: Sarah Tinsley, Acting AA/XA
 FROM: Rhea Johnson, Director XA/PI
 SUBJ: Audit Reports, Release of

As a general rule, Agency audit reports are to be made available to the public (and press) on request. This is true whether the Freedom of Information Act (FOIA) is specifically cited or not.

However, occasionally audit reports might contain business information which could be harmful to the audited company if released. In fact, such information is not to be released even if the FOIA is specifically cited (there is a legal exception to be used). Release of such information could lead to the Agency being sued and the responsible official disciplined. For these reasons I urge that before being released or reviewed by anyone outside of AID all audit reports be reviewed either by me or Jim Harper.

13. A Citizen's Guide on Using the Freedom of Information Act and
the Privacy Act of 1974 to Request Government Records

(情報公開請求のための市民用手引：原文)

A CITIZEN'S GUIDE ON USING THE FREEDOM OF INFORMATION ACT AND THE PRIVACY ACT OF 1974 TO REQUEST GOVERNMENT RECORDS

THIRTEENTH REPORT

BY THE

COMMITTEE ON GOVERNMENT OPERATIONS



JULY 1, 1987.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1987

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Washington, D.C. 20402

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LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
Washington, DC, July 1, 1987.

Hon. JIM WRIGHT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: By direction of the Committee on Government Operations, I submit herewith the committee's thirteenth report to the 100th Congress. The committee's report is based on a study made by its Government Information, Justice, and Agriculture Subcommittee.

JACK BROOKS, *Chairman.*

(iii)

(iv)

A CITIZEN'S GUIDE ON USING THE FREEDOM OF INFORMATION ACT AND THE PRIVACY ACT OF 1974 TO REQUEST GOVERNMENT RECORDS

JULY 1, 1987.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. Brooks, from the Committee on Government Operations, submitted the following

THIRTEENTH REPORT

BASED ON A STUDY BY THE GOVERNMENT INFORMATION, JUSTICE, AND AGRICULTURE SUBCOMMITTEE

On June 16, 1987, the Committee on Government Operations approved and adopted a report entitled "A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 To Request Government Records." The chairman was directed to transmit a copy to the Speaker of the House.

I. INTRODUCTION

A popular Government without popular information or the means of acquiring it, is but a Prologue to a Farce or a Tragedy or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be their own Governors, must arm themselves with the power knowledge gives.—JAMES MADISON.¹

The Freedom of Information Act (FOIA) establishes a presumption that records in the possession of agencies and departments of the Executive Branch of the United States government are accessible to the people. This was not always the approach to federal in-

¹ Letter to W.T. Barry, August 4, 1822, in G.P. Hunt ed., *IX The Writings of James Madison* 103 (1910).
The Committee wishes to acknowledge the assistance of Harold C. Relyea, Specialist, American National Government, Government Division, Congressional Research Service, in the preparation of this report.

formation disclosure policy. Before enactment of the Freedom of Information Act in 1966, the burden was on the individual to establish a right to examine these government records. There were no statutory guidelines or procedures to help a person seeking information. There were no judicial remedies for those denied access.

With the passage of the FOIA, the burden of proof shifted from the individual to the government. Those seeking information are no longer required to show a need for information. Instead, the "need to know" standard has been replaced by a "right to know" doctrine. The government now has to justify the need for secrecy.

The FOIA sets standards for determining which records must be made available for public inspection and which records can be withheld from disclosure. The law also provides administrative and judicial remedies for those denied access to records. Above all, the statute requires federal agencies to provide the fullest possible disclosure of information to the public.

The Privacy Act of 1974 is a companion to the FOIA. The Privacy Act regulates federal government agency record keeping and disclosure practices. The Act allows most individuals to seek access to federal agency records about themselves. The Act requires that personal information in agency files be accurate, complete, relevant, and timely. The Act allows the subject of a record to challenge the accuracy of the information. The Act requires that agencies obtain information directly from the subject of the record and that information gathered for one purpose not be used for another purpose. As with the FOIA, the Privacy Act provides civil remedies for individuals whose rights have been violated.

Another important feature of the Privacy Act is the requirement that each federal agency publish a description of each system of records maintained by the agency that contains personal information. This prevents agencies from keeping secret records.

The Privacy Act also restricts the disclosure of personally identifiable information by federal agencies. Together with the FOIA, the Privacy Act permits disclosure of most personal files to the individual who is the subject of the files. The two laws restrict disclosure of personal information to others when disclosure would violate privacy interests.

While both the FOIA and the Privacy Act encourage the disclosure of agency records, both laws also recognize the legitimate need to restrict disclosure of some information. For example, agencies may withhold information classified in the interest of national defense or foreign policy, trade secrets, and criminal investigatory files. Other specifically defined categories of confidential information may also be withheld.

The essential feature of both laws is that they make federal agencies accountable for information disclosure policies and practices. While neither law grants an absolute right to examine government documents, both laws provide a right to request records and to receive a response to the request. If a requested record cannot be released, the requester is entitled to a reason for the denial. The requester has a right to appeal the denial and, if necessary, to challenge it in court.

These procedural rights granted by the FOIA and the Privacy Act make the laws valuable and workable. The disclosure of gov-

ernment information cannot be controlled by arbitrary or unreasonable actions.

II. RECOMMENDATIONS

The Committee recommends that this Citizen's Guide be made widely available at low cost to anyone who has an interest in obtaining documents from the federal government. The Government Printing Office and federal agencies subject to the Freedom of Information and Privacy Acts should distribute this report widely.

The Committee also recommends that this Citizen's Guide be used by federal agencies in training programs for government employees who are responsible for administering the Freedom of Information and Privacy Acts. The Citizen's Guide should also be used by those government employees who only occasionally work with these two laws.

III. How To Use This GUIDE

In 1977, the House Committee issued the first *Citizen's Guide* on how to request agency records.² The original *Guide* was reprinted many times and has been widely distributed. The Superintendent of Documents at the Government Printing Office reported that almost 50,000 copies were sold between 1977 and 1986, when the *Guide* went out of print. In addition, thousands of copies were distributed by the House Committee on Government Operations, by Members of Congress, by the Congressional Research Service, and by other federal agencies. The original *Citizen's Guide* is one of the most widely read congressional committee reports in history.

This report explains how to use the Freedom of Information Act and the Privacy Act of 1974. It reflects all changes to the laws made since 1977. Only minor changes were made to the Privacy Act since its passage in 1974. Major amendments to the Freedom of Information Act passed in 1974 and 1986. This report updates the guidance on the FOIA to include the 1986 amendments.

This guide is intended to serve as a general introduction to the Freedom of Information Act and the Privacy Act. It is neither a comprehensive guide to the details of these acts nor an analysis of case law. The guide will enable those who are unfamiliar with the laws to understand the process and to make a request. For those who need to know more about the laws, the complete text of each law is included in the appendices.

Readers should be aware that FOIA litigation is a complex area of law. There are hundreds of court decisions interpreting the FOIA. These decisions must be considered in order to develop a complete understanding of the principles governing disclosure of government information. Anyone requiring more details about the FOIA, its history, or the case law should consult other sources. There has been less controversy and less litigation over the Privacy

² A *Citizen's Guide on How to Use the Freedom of Information Act and the Privacy Act in Requesting Government Documents*, House Report No. 95-796, 96th Cong., 1st Sess. (1977).

Act, but there is a considerable body of case law for the Privacy Act as well.³

However, no one should be discouraged from making a request under either law. No special expertise is required. Using the Freedom of Information Act and the Privacy Act is as simple as writing a letter. This *Citizen's Guide* explains the essentials.

IV. WHICH ACT TO USE

The access provisions of the FOIA and the Privacy Act overlap in part. The two laws have different procedures and different exemptions. As a result, sometimes information exempt under one law will be disclosable under the other.

In order to take maximum advantage of the laws, an individual seeking information about himself or herself should normally cite both laws. Requests by an individual for information that does not relate solely to himself or herself should be made under the FOIA.

Congress intended that the two laws be considered together in the processing of requests for information. Many government agencies will automatically handle requests from individuals in a way that will maximize the amount of information that is disclosable. However, a requester should still make a request in a manner that is most advantageous and that fully protects all available legal rights. A requester who has any doubts about which law to use should always cite both the FOIA and the Privacy Act when seeking documents from the federal government.

V. THE FREEDOM OF INFORMATION ACT

A. THE SCOPE OF THE FREEDOM OF INFORMATION ACT

The federal Freedom of Information Act applies to documents held by agencies in the executive branch of the federal government. The executive branch includes cabinet departments, military departments, government corporations, government controlled corporations, independent regulatory agencies, and other establishments in the executive branch.

The FOIA does not apply to elected officials of the federal government, including the President,⁴ Vice President, Senators, and

³ This *Citizen's Guide* is primarily intended to serve the general public. The Committee on Government Operations has included a complete explanation of the basics of the two laws. In the interest of producing a guide that would be both simple and useful to the intended audience, the Committee deliberately avoided addressing some of the issues that are highly controversial. The Committee cautions against treating the neutrally written descriptions contained in this report as definitive expressions of the Committee's views of the law or congressional intent.

⁴ The Committee has expressed its views on some of these issues in other reports. See, for example, *Security Classification Policy and Executive Order 12356*, House Report No. 97-731, 97th Cong., 2d Sess. (1982); *Who Cares About Privacy Oversight of the Privacy Act of 1974* by the Office of Management and Budget and by the Congress, House Report 98-455, 96th Cong., 1st Sess. (1983); *Electronic Collection and Dissemination of Information by Federal Agencies: A Policy Overview*, House Report 99-580, 96th Cong., 2d Sess. (1986); *Freedom of Information Act Amendments of 1986*, House Report 99-832, 96th Cong., 2d Sess. (1986); (report to accompany H.R. 4882). The latter report is a legislative report for a bill reforming the business procedures of the FOIA. The bill did not become law. The 1986 amendments to the FOIA were made by the Freedom of Information Reform Act of 1986, Public Law 99-570. There were no committee reports in either the House or the Senate accompanying the Freedom of Information Reform Act.

⁴ The Presidential Records Act of 1978, 44 U.S.C. § 2201-2207 (1982) does make the documentary materials of former Presidents subject to the FOIA in part. Presidential papers and documents generated after January 20, 1981, will be available—subject to certain restrictions and delays—under the general framework of the FOIA.

Congressmen,⁵ or to the federal judiciary. The FOIA also does not apply to private companies; persons who receive federal contracts or grants; tax-exempt organizations; or state or local governments.

All States and some localities have passed laws like the FOIA that allow people to request access to records. In addition, there are other federal and state laws that may permit access to documents held by organizations not covered by the federal FOIA.⁶

B. WHAT RECORDS CAN BE REQUESTED UNDER THE FOIA?

The FOIA requires agencies to publish or make available some types of information. This includes: (1) Descriptions of agency organization and office addresses; (2) statements of the general course and method of agency operation; (3) rules of procedure and descriptions of forms; (4) substantive rules of general applicability and general policy statements; (5) final opinions made in the adjudication of cases; and (6) administrative staff manuals that affect the public. This information must either be published or made available for inspection and copying without the formality of an FOIA request.

All other "agency records" may be requested under the FOIA. However, the FOIA does not define "agency record." Material that is in the possession, custody, or control of an agency is usually considered to be an agency record under the FOIA. Personal notes of agency employees may not be agency records. A record that is not an "agency record" will not be available under the FOIA.

The form in which a record is maintained by an agency does not affect its availability. A request may seek a printed or typed document, tape recording, map, computer printout, computer tape, or a similar item.

Of course, not all records that can be requested must be disclosed. Information that is exempt from disclosure is described below in the section entitled "Reasons Access May Be Denied Under the FOIA."

The FOIA carefully provides that a requester may ask for records rather than information. This means that an agency is only required to look for an existing record or document in response to an FOIA request. An agency is not obliged to create a new record to comply with a request. An agency is not required to collect information it does not have. Nor must an agency do research or analyze data for a requester.⁷

⁵ Virtually all official records of the Congress are available to the public. The *Congressional Record*, all bills introduced in the House and the Senate, and all committee reports (except for those containing classified information) are printed and disseminated. Most committee hearings are also printed and available. In addition, almost all activities of the Congress take place in public. The sessions of the House and Senate are normally open to the public and televised. Most committee hearings and markups are open to the public, and some are televised.

⁶ See, e.g., the Federal Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq. (1982) (providing for access to files of credit bureaus); the Federal Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (1982) (providing for access to records maintained by schools and colleges). Some states have enacted laws allowing individuals to have access to personnel records maintained by employers. See, e.g., Michigan Compiled Laws Annotated § 423.501.

⁷ When records are maintained in a computer, an agency is required to retrieve information in response to an FOIA request. The process of retrieving the information may result in the creation of a new document when the data is printed out on paper or written on computer tape or disk. Since this may be the only way computerized data can be disclosed, agencies are required to provide the data even if it means a new document must be created.

Requesters must ask for existing records. Requests may have to be carefully written in order to obtain the information that is desired. Sometimes, agencies will help a requester identify the specific document that contains the information being sought. Other times, a requester may need to be creative when writing an FOIA request in order to identify an existing document or set of documents containing the desired information.

There is a second general limitation on FOIA requests. The law requires that each request must *reasonably describe* the records being sought. This means that a request must be specific enough to permit a professional employee of the agency who is familiar with the subject matter to locate the record in a reasonable period of time.

Because different agencies organize and index records in different ways, one agency may consider a request to be reasonably descriptive while another agency may reject a similar request as too vague. For example, the Federal Bureau of Investigation has a central index for its primary record system. As a result, the FBI is able to search for records about a specific person. However, agencies that do not maintain a central name index may be unable to conduct the same type of search. These agencies may reject a similar request because the request does not describe records that can be identified.

Requesters should make their requests as specific as possible. If a particular document is required, it should be identified as precisely as possible, preferably by date and title. However, a request does not have to be that specific. A requester who cannot identify a specific record should clearly explain his or her needs. A requester should make sure, however, that the request is broad enough to cover the information that is needed.

For example, assume that a requester wants to obtain a list of toxic waste sites near his home. A request to the Environmental Protection Agency for all records on toxic waste would cover many more records than are needed. The fees for such a request might be very high, and it is possible that the request might be rejected as too vague.

A request for all toxic waste sites within three miles of a particular address is very specific. But it is unlikely that EPA would have an existing record containing data organized in that fashion. As a result, the request might be denied because there is no existing record containing the information.

The requester might do better to ask for a list of toxic waste sites in his city, county, or state. It is more likely that existing records might contain this information. The requester might also want to tell the agency in the request letter exactly what information is desired. This additional explanation will help the agency to find a record that meets the request.

Many people include their telephone number in their requests. Sometimes questions about the scope of a request can be resolved quickly when the agency employee and the requester talk. This is an efficient way to resolve questions that arise during the processing of FOIA requests.

It is to everyone's advantage if requests are as precise and as narrow as possible. The requester benefits because the request can

contacted if the charges will exceed a fixed amount. This allows a requester to modify or withdraw a request if the cost is too high. A third optional item sometimes included in an FOIA request is a request for a waiver or reduction of fees. The 1986 amendments to the FOIA changed the rules for fee waivers. Fees must be waived or reduced if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. Decisions about granting fee waivers are separate from and different than decisions about the amount of fees that can be charged to requesters.

Requesters should keep a copy of their request letter and related correspondence until the request has been finally resolved.

D. FEES AND FEE WAIVERS

FOIA requesters may have to pay fees covering some or all of the costs of processing their requests. As amended in 1986, the law establishes three types of charges that may be imposed on requesters. The 1986 law makes the process of determining the applicable fees more complicated. However, the new rules reduce or eliminate entirely the cost for small, noncommercial requests.

First, fees can be imposed to recover the costs of copying documents. All agencies have a fixed price for making copies using copying machines. Requesters are usually charged the actual cost of copying computer tapes, photographs, or other nonstandard documents.

Second, fees can also be imposed to recover the costs of searching for documents. This includes the time spent looking for material responsive to a request. Requesters can minimize search charges by making clear, narrow requests for identifiable documents whenever possible.

Third, fees can be charged to recover review costs. Review is the process of examining documents to determine whether any portion is exempt from disclosure. Before the effective date of the 1986 amendments, no review charges were imposed on any requester. Effective on April 25, 1987, review charges may be imposed on commercial requesters only. Review charges only include costs incurred during the initial examination of a document. An agency may not charge for any costs incurred in resolving issues of law or policy that may arise while processing a request.

Different fees apply to different categories of requesters. There are three basic groups of FOIA requesters. The first includes representatives of the news media, and educational or noncommercial scientific institutions whose purpose is scholarly or scientific research. Requesters in this category who are not seeking records for commercial use can only be billed for reasonable standard document duplication charges. A request for information from a representative of the news media is not considered to be for commercial use if the request is in support of a news gathering or dissemination function.

The second group includes FOIA requesters seeking records for commercial use. Commercial use is not defined in the law, but it

be processed faster and cheaper. The agency benefits because it can do a better job of responding to the request. The agency will also be able to use its scarce resources to respond to more requests. The FOIA works best when both the requester and the agency act cooperatively.

C. MAKING AN FOIA REQUEST

The first step in making a request under the FOIA is to identify the agency that has the records. An FOIA request must be addressed to a specific agency. There is no central government records office that services FOIA requests.

Often, a requester knows beforehand which agency has the desired records. If not, a requester can consult a government directory such as the *United States Government Manual*.⁸ This manual has a complete list of all federal agencies, a description of agency functions, and the address of each agency. A requester who is uncertain about which agency has the records that are needed can make FOIA requests at more than one agency.

All agencies normally require that FOIA requests be in writing. Letters requesting records under the FOIA can be short and simple. No one needs a lawyer to make an FOIA request. Appendix I of this Guide contains a sample request letter.

The request letter should be addressed to an agency's FOIA officer or to the head of the agency. The envelope containing the written request should be marked "Freedom of Information Act Request" in the bottom left-hand corner.⁹

There are three basic elements to an FOIA request letter. First, the letter should state that the request is being made under the Freedom of Information Act. Second, the request should identify the records that are being sought as specifically as possible. Third, the name and address of the requester must be included.

In addition, under the 1986 amendments to the FOIA, the fees chargeable vary with the status or purpose of the requester. As a result, requesters may have to provide additional information to permit the agency to determine the appropriate fees. Different fees can be charged to commercial users, representatives of the news media, educational or noncommercial scientific institutions, and individuals. The next section explains the new fee structure in more detail.

There are several optional items that are often included in an FOIA request. The first is the telephone number of the requester. This permits an agency employee processing a request to talk to the requester if necessary.

A second optional item is a limitation on the fees that the requester is willing to pay. It is common for requesters to ask to be

⁸The *United States Government Manual* is sold by the Superintendent of Documents of the U.S. Government Printing Office. Virtually every public library should have a copy on its shelves.

⁹All agencies have issued FOIA regulations that describe the request process in greater detail. For example, large agencies may have several components each of which has its own FOIA rules. Requesters who can find agency FOIA regulations in the *Code of Federal Regulations* (available in many libraries) might find it useful to check these regulations before making a request. A requester who follows the agency's specific procedures may receive a faster response. However, the simple procedures suggested in this Guide will be adequate to meet the minimum requirements for an FOIA request.

generally includes profit making activities. Commercial users pay reasonable standard charges for document duplication, search, and review.

The third group of FOIA requesters includes everyone not included in either of the first two groups. People seeking information for their own use, public interest groups, and non-profit organizations are examples of requesters who fall into the third group. Charges for these requesters are limited to reasonable standard charges for document duplication and search. No review charges may be imposed. The 1986 amendments did not change the fees charged to these requesters.

Small requests are free for requesters in the first and third groups. This includes all requesters except commercial users. There is no charge for the first two hours of search time and the first 100 pages of documents. Noncommercial requesters who limit their requests to a small number of easily found records will not pay any fees at all.

In addition, the law also prevents agencies from charging fees if the cost of collecting the fee would exceed the amount collected. This limitation applies to all requests, including those seeking documents for commercial use. Thus, if the allowable charges for any FOIA request are small, no fees are imposed.

Each agency sets charges for duplication, search, and review based on its own costs. The amount of these charges is included in agency FOIA regulations. Each agency also sets its own threshold for minimum charges.

The 1986 FOIA amendments changed the law on fee waivers. The new rules require that fees must be waived or reduced if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

The new rules for fees and fee waivers have created some confusion. Determinations about fees are separate and apart from determinations about eligibility for fee waivers. For example, a news reporter may only be charged duplication fees and may ask that the duplication fees be waived. There is no need for a reporter to ask for a waiver of search and review costs because search and review costs are not charged to reporters.

Only after a requester has been categorized to determine the applicable fees does the issue of a fee waiver arise. A requester who seeks a fee waiver should include a separate request in the original request letter. The requester should describe how disclosure will contribute to public understanding of the operations or activities of the government. The sample request letter in the appendix includes optional language asking for a fee waiver.

Any requester may ask for a fee waiver. Some will find it easier to qualify than others. A news reporter who is only charged duplication costs may still ask that the charges be waived because of the public benefits that will result from disclosure. Representatives of the news media and public interest groups are very likely to qualify for a waiver of fees. Commercial users will find it more difficult to qualify.

The eligibility of other requesters will vary. A key element in qualifying for a fee waiver is the relationship of the information to public understanding of the operations or activities of government. Another important factor is the ability of the requester to convey that information to other interested members of the public. A requester is not eligible for a fee waiver solely because of indigence.

E. REQUIREMENTS FOR AGENCY RESPONSES

Each agency is required to determine within ten days (excluding Saturdays, Sundays, and legal holidays) after the receipt of a request whether to comply with the request. The actual disclosure of documents is required to follow promptly thereafter. If a request for records is denied in whole or in part, the agency must tell the requester the reasons for the denial. The agency must also tell the requester that there is a right to appeal any adverse determination to the head of the agency.

The FOIA permits agencies to extend the time limits up to ten days in unusual circumstances. These circumstances include the need to collect records from remote locations, review large numbers of records, and consult with other agencies. Agencies are supposed to notify the requester whenever an extension is invoked.¹⁰

The statutory time limits for responses are not always met. Agencies sometimes receive an unexpectedly large number of FOIA requests at one time and are unable to meet the deadlines. Some agencies assign inadequate resources to FOIA offices. The Congress does not condone the failure of any agency to meet the law's time limits. However, as a practical matter, there is little that a requester can do about it. The courts have been reluctant to provide relief solely because the FOIA's time limits have not been met.

The best advice to requesters is to be patient. The law allows a requester to consider a request to be denied if it has not been decided within the time limits. This permits the requester to file an administrative appeal. However, this is not always the best course of action. The filing of an administrative or judicial appeal does not normally result in any faster processing of the request.

Agencies generally process requests in the order in which they were received. Some agencies will expedite the processing of urgent requests. Anyone with a pressing need for records should consult with the agency FOIA officer about how to ask for expedited treatment of requests.

F. REASONS ACCESS MAY BE DENIED UNDER THE FOIA

An agency may refuse to disclose an agency record that falls within any of the FOIA's nine statutory exemptions. The exemptions protect against the disclosure of information that would harm national defense or foreign policy, privacy of individuals, proprietary interests of business, functioning of the government, and other important interests.

¹⁰ Agencies that take more than ten days to respond to a request do not always notify each requester that an extension has been invoked.

A record that does not qualify as an "agency record" may be denied because only agency records are available under the FOIA. Personal notes of agency employees may be denied on this basis.

An agency may withhold exempt information, but it is not always required to do so. For example, an agency may disclose an exempt internal memorandum because no harm would result from its disclosure. However, an agency is not likely to agree to disclose an exempt document that is classified or that contains a trade secret.

When a record contains some information that qualifies as exempt, the entire record is not necessarily exempt. Instead, the FOIA specifically provides that any reasonably segregable portions of a record must be provided to a requester after the deletion of the portions that are exempt. This is a very important requirement because it prevents an agency from withholding an entire document simply because one line or one page is exempt.

1. Exemption 1.—Classified Documents

The first FOIA exemption permits the withholding of properly classified documents. Information may be classified to protect it in the interest of national defense or foreign policy. Information that has been classified as "Confidential," "Secret," or "Top Secret" under the procedures of the Executive Order on Security Classification can qualify under the first exemption.

The rules for classification are established by the President and not the FOIA or other law. The FOIA provides that, if a document has been properly classified under the President's rules, the document can be withheld from disclosure.

Classified documents may be requested under the FOIA. An agency can review the document to determine if it still requires protection. In addition, the Executive Order on Security Classification establishes a special procedure for requesting the declassification of documents.¹¹ If a requested document is declassified, it can be released in response to an FOIA request. However, a document that was formerly classified may still be exempt under other FOIA exemptions.

2. Exemption 2.—Internal Personnel Rules and Practices

The second FOIA exemption covers matters that are related solely to an agency's internal personnel rules and practices. As interpreted by the courts, there are two separate classes of documents that are generally held to fall within exemption two.

First, information relating to personnel rules or internal agency practices is exempt if it is trivial administrative matter of no genuine public interest. A rule governing lunch hours for agency employees is an example.

Second, internal administrative manuals can be exempt if disclosure would risk circumvention of law or agency regulations. In

¹¹ At the time that this Guide was prepared, the current Executive Order on Security Classification was E.O. 12356 which was promulgated by President Reagan on April 2, 1982. The text of the order can be found at 47 Federal Register 14674-84 (April 6, 1982). The rules for mandatory review for declassification are in Section 3.4 of the Executive Order.

order to fall into this category, the material will normally have to regulate internal agency conduct rather than public behavior.

3. Exemption 3.—Information Exempt Under Other Laws

The third exemption incorporates into the FOIA other laws that restrict the availability of information. To qualify under exemption three, a statute must require that matters be withheld from the public in such a manner as to leave no discretion to the agency. Alternatively, the statute must establish particular criteria for withholding or refer to particular types of matters to be withheld.

One example of a qualifying statute is the provision of the Tax Code¹² prohibiting the public disclosure of tax returns and tax return information. Another qualifying Exemption 3 statute is the law¹³ designating identifiable census data as confidential. Whether a particular statute qualifies under Exemption 3 can be a difficult legal determination.

4. Exemption 4.—Confidential Business Information

The fourth exemption protects from public disclosure two types of information: trade secrets and confidential business information. A trade secret is a commercially valuable plan, formula, process, or device. This is a narrow category of information. An example of a trade secret is the recipe for a commercial food product.

The second type of protected data is commercial or financial information obtained from a person and privileged or confidential. The courts have held that data qualifies for withholding if disclosure by the government would be likely to harm the competitive position of the person who submitted the information. Detailed information on a company's marketing plans, profits, or costs can qualify as confidential business information. Information may also be withheld if disclosure would be likely to impair the government's ability to obtain similar information in the future.

Only information obtained from a person other than a government agency qualifies under the fourth exemption. A person is an individual, a partnership, or a corporation. Information that an agency created on its own cannot normally be withheld under exemption four.

Although there is no formal requirement under the FOIA, many agencies will notify a submitter of business information that disclosure of the information is being considered. The submitter can file suit to block disclosure under the FOIA. Such lawsuits are generally referred to as "reverse" FOIA lawsuits because the FOIA is being used in an attempt to prevent rather than to require the disclosure of information. A reverse FOIA lawsuit may be filed when the submitter of documents and the government disagree whether the information is confidential.

5. Exemption 5.—Internal Government Communications

The FOIA's fifth exemption applies to internal government documents. One example is a letter from one government department to another about a joint decision that has not yet been made. An-

¹² 26 U.S.C. § 6103 (1982).

¹³ 13 U.S.C. § 9 (1982).

other example is a memorandum from an agency employee to his supervisor describing options for conducting the agency's business. The purpose of the fifth exemption is to safeguard the deliberative policymaking processes of government. The exemption encourages frank discussions of policy matters between agency officials by allowing supporting documents to be withheld from public disclosure. The exemption also protects against premature disclosure of policies before final adoption.

While the policy behind the fifth exemption is well-accepted, the application of the exemption is complicated. The fifth exemption may be the most difficult FOIA exemption to understand and apply. For example, the exemption protects the policymaking process, but it does not protect purely factual information related to the policy process. Factual information must be disclosed unless it is inextricably intertwined with protected information about an agency decision.

Protection for the decisionmaking process is appropriate only for the period while decisions are being made. Thus, the fifth exemption has been held to distinguish between documents that are pre-decisional and therefore may be protected, and those which are post-decisional and therefore not subject to protection. Once a policy is adopted, the public has a greater interest in knowing the basis for the decision.

The exemption also incorporates some of the privileges that apply in litigation involving the government. For example, papers prepared by the government's lawyers are exempt in the same way that papers prepared by private lawyers for clients are not available through discovery in civil litigation.

6. Exemption 6.—*Personal Privacy*

The sixth exemption covers personnel, medical, and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. This exemption protects the privacy interests of individuals by allowing an agency to withhold from disclosure intimate personal data kept in government files. Only individuals have privacy interests. Corporations and other legal persons have no privacy rights under the sixth exemption.

The exemption requires agencies to strike a balance between an individual's privacy interest and the public's right to know. However, since only a clearly unwarranted invasion of privacy is a basis for withholding, there is a perceptible tilt in favor of disclosure in the exemption. Nevertheless, the sixth exemption makes it hard to obtain information about another individual without the consent of that individual.

The Privacy Act of 1974 also regulates the disclosure of personal information about individuals. The FOIA and the Privacy Act overlap in part, but there is no inconsistency. Individuals seeking records about themselves should cite both laws when making a request. This ensures that the maximum amount of disclosable information will be released. Records that can be denied to an individual under the Privacy Act are not necessarily exempt under the FOIA.

7. Exemption 7.—*Law Enforcement*

The seventh exemption allows agencies to withhold law enforcement records in order to protect the law enforcement process from interference. The exemption was amended slightly in 1986, but it still retains six specific subexemptions.

Exemption (7)(A) allows the withholding of law enforcement records that could reasonably be expected to interfere with enforcement proceedings. This exemption protects active law enforcement investigations from interference through premature disclosure.

Exemption (7)(B) allows the withholding of information that would deprive a person of a right to a fair trial or an impartial adjudication. This exemption is rarely used.

Exemption (7)(C) recognizes that individuals have a privacy interest in information maintained in law enforcement files. If the disclosure of information could reasonably be expected to constitute an unwarranted invasion of personal privacy, the information is exempt from disclosure. The standards for privacy protection in Exemption 6 and Exemption (7)(C) differ slightly. Exemption (7)(C) refers only to unwarranted invasions of personal privacy rather than to clearly unwarranted invasions.

Exemption (7)(D) protects the identity of confidential sources. Information that could reasonably be expected to reveal the identity of a confidential source is exempt. A confidential source can include a state, local, or foreign agency or authority, or a private institution that furnished information on a confidential basis. In addition, the exemption protects information furnished by a confidential source if the data was compiled by a criminal law enforcement authority during a criminal investigation or by an agency conducting a lawful national security intelligence investigation.

Exemption (7)(E) protects from disclosure information that would reveal techniques and procedures for law enforcement investigations or prosecutions or that would disclose guidelines for law enforcement investigations or prosecutions if disclosure of the information could reasonably be expected to risk circumvention of the law.

Exemption (7)(F) protects law enforcement information that could reasonably be expected to endanger the life or physical safety of any individual.

8. Exemption 8.—*Financial Institutions*

The eighth exemption protects information that is contained in or related to examination, operating, or condition reports prepared by or for a bank supervisory agency such as the Federal Deposit Insurance Corporation, the Federal Reserve, or similar agencies.

9. Exemption 9.—*Geological Information*

The ninth FOIA exemption covers geological and geophysical information, data, and maps about wells. This exemption is rarely used.

G. FOIA EXCLUSIONS

The 1986 amendments to the FOIA gave limited authority to agencies to respond to a request without confirming the existence

of the requested records. Ordinarily, any proper request must receive an answer stating whether there is any responsive information, even if the requested information is exempt from disclosure. In some narrow circumstances, acknowledgement of the existence of a record can produce consequences similar to those resulting from disclosure of the record itself. In order to avoid this type of problem, the 1986 amendments established three "record exclusions." However, these exclusions do not broaden the ability of agencies to withhold documents.

The exclusions allow agencies to treat certain exempt records as if the records were not subject to the FOIA. Agencies are not required to confirm the existence of three specific categories of records. If these records are requested, agencies may state that there are no disclosable records responsive to the request. However, these exclusions give agencies no authority to withhold additional categories of information from the public.

The first exclusion is triggered when a request seeks information that is exempt because disclosure could reasonably be expected to interfere with a current law enforcement investigation. There are specific prerequisites for the application of this exclusion. First, the investigation in question must involve a possible violation of criminal law. Second, there must be a reason to believe that the subject of the investigation is not already aware that the investigation is underway. Third, disclosure of the existence of the records—as distinguished from the contents of the records—could reasonably be expected to interfere with enforcement proceedings.

When all three of these conditions are present, an agency may respond to an FOIA request for investigatory records as if the records are not subject to the requirements of the FOIA. In other words, the agency's response does not have to reveal that it is conducting an investigation.

The second exclusion applies to informant records maintained by a criminal law enforcement agency under the informant's name or personal identifier. The agency is not required to confirm the existence of these records unless the informant's status has been officially confirmed. This exclusion helps agencies to protect the identity of confidential informants. Information that might identify informants has always been exempt under the FOIA.

The third exclusion applies only to records maintained by the Federal Bureau of Investigation which pertain to foreign intelligence, counterintelligence, or international terrorism. When the existence of these types of records is classified, the FBI may treat the records as not subject to the requirements of FOIA.

This exclusion does not apply to all classified records on the specific subjects. It only applies when the records are classified and when the existence of the records is also classified. Since the underlying records must be classified before the exclusion is relevant, agencies have no new substantive withholding authority.

In enacting these exclusions, congressional sponsors stated that it was their intent that agencies must inform FOIA requesters that these exclusions are available for agency use. Requesters who believe that records were improperly withheld because of the exclusions can seek judicial review.

H. ADMINISTRATIVE APPEAL PROCEDURES

Whenever an FOIA request is denied, the agency must inform the requester of the reasons for the denial and the requester's right to appeal the denial to the head of the agency. A requester may appeal the denial of a request for a document or for a fee waiver. A requester may contest the type or amount of fees that were charged. A requester may appeal any other type of adverse determination including a rejection of a request for failure to describe adequately the documents being requested. A requester can also appeal because the agency failed to conduct an adequate search for the documents that were requested.

A person whose request was granted in part and denied in part may appeal the partial denial. If an agency has agreed to disclose some but not all requested documents, the filing of an appeal does not affect the release of the documents that are disclosable. There is no risk to the requester in filing an appeal.

The appeal to the head of the agency is a simple administrative appeal. A lawyer can be helpful, but no one needs a lawyer to file an appeal. Anyone who can write a letter can file an appeal. Appeals to the head of the agency often result in the disclosure of some records that had been withheld. A requester who is not convinced that the agency's initial decision is correct should appeal. There is no charge for filing an administrative appeal.

An appeal is filed by sending a letter to the head of the agency. The letter must identify the FOIA request that is being appealed. The envelope containing the letter of appeal should be marked in the lower left hand corner with the words "Freedom of Information Act Appeal."¹⁴

Many agencies assign a number to all FOIA requests that are received. The number should be included in the appeal letter, along with the name and address of the requester. It is a common practice to include a copy of the agency's initial decision letter as part of the appeal, but this is not required. It can also be helpful for the requester to include a telephone number in the appeal letter.

An appeal will normally include the requester's arguments supporting disclosure of the documents. A requester may include any facts or any arguments supporting the case for reversing the initial decision. However, an appeal letter does not have to contain any arguments at all. It is sufficient to state that the agency's initial decision is being appealed. Appendix 1 includes a sample appeal letter.

The FOIA does not set a time limit for filing an administrative appeal of an FOIA denial. However, it is good practice to file an appeal promptly. Some agency regulations establish a time limit for filing an administrative appeal. A requester whose appeal is rejected by an agency because it is too late may refile the original FOIA request and start the process again.

¹⁴ Agency FOIA regulations will normally describe the appeal procedures and requirements with more specificity. At some agencies, decisions on FOIA appeals have been delegated to other agency officials. Requesters who have an opportunity to review agency regulations in the Code of Federal Regulations (available in many libraries) may find it helpful and may be able to speed up the processing of the appeal. However, following the simple procedures described in this Guide will be sufficient to maintain a proper appeal.

A requester who delays filing an appeal runs the risk that the documents could be destroyed. However, as long as an agency is considering a request or an appeal, the agency must preserve the documents.

An agency is required to make a decision on an appeal within twenty days (excluding Saturdays, Sundays, and federal holidays). It is possible for an agency to extend the time limits by an additional ten days. Once the time period has elapsed, a requester may consider that the appeal has been denied and may proceed with a judicial appeal. However, unless there is an urgent need for records, this is not always the best course of action. The courts are not sympathetic to appeals based solely on an agency's failure to comply with the FOIA's time limits.

I. FILING A JUDICIAL APPEAL

When an administrative appeal is denied, a requester has the right to appeal the denial in court. An FOIA appeal can be filed in the United States District Court in the district where the requester lives. The requester can also file suit in the district where the documents are located or in the District of Columbia. When a requester goes to court, the burden of justifying the withholding of documents is on the government. This is a distinct advantage for the requester.

Requesters are sometimes successful when they go to court, but the results vary considerably. Some requesters who file judicial appeals find that an agency will disclose some documents previously withheld rather than fight about disclosure in court. This does not always happen, and there is no guarantee that the filing of a judicial appeal will result in any additional disclosure.

Most requesters require the assistance of an attorney to file a judicial appeal. A person who files a lawsuit and substantially prevails may be awarded reasonable attorney fees and litigation costs reasonably incurred. Some requesters may be able to handle their own appeal without an attorney. Since this is not a litigation guide, details of the judicial appeal process have been not included. Anyone considering filing an appeal can begin by reviewing the provisions of the FOIA on judicial review.

VI. THE PRIVACY ACT OF 1974

A. THE SCOPE OF THE PRIVACY ACT OF 1974

The Privacy Act of 1974 provides safeguards against an invasion of privacy through the misuse of records by federal agencies. In general, the Act allows citizens to learn how records are collected, maintained, used, and disseminated by the federal government. The Act also permits individuals to gain access to most personal information maintained by federal agencies and to seek amendment of any incorrect or incomplete information.

The Privacy Act applies to personal information maintained by agencies in the executive branch of the federal government. The executive branch includes cabinet departments, military departments, government corporations, government controlled corporations, independent regulatory agencies, and other establishments in

the executive branch. Agencies subject to the Freedom of Information Act (FOIA) are also subject to the Privacy Act. The Privacy Act does not generally apply to records maintained by state and local governments or private companies or organizations.¹⁵

The Privacy Act only grants rights to United States citizens and to aliens lawfully admitted for permanent residence. As a result, foreign nationals cannot use the Act's provisions. However, foreigners may use the FOIA to request records about themselves.

The only records subject to the Privacy Act are records about individuals that are maintained in a system of records. The idea of a "system of records" is unique to the Privacy Act and requires explanation.

The Act defines a "record" to include most personal information maintained by an agency about an individual. A record contains individually identifiable information, including but not limited to information about education, financial transactions, medical history, criminal history, or employment history. A system of records is a group of records from which information is actually retrieved by name, social security number, or other identifying symbol assigned to an individual.

Some personal information is not kept in a system of records. This information is not subject to the provisions of the Privacy Act, although access may be requested under the FOIA. Most personal information in government files is subject to the Privacy Act.

The Privacy Act also establishes general records management requirements for federal agencies. In summary, there are five basic requirements that are most relevant to individuals.

First, agencies must establish procedures allowing individuals to see and copy records about themselves. An individual may also seek to amend any information that is not accurate, relevant, timely, or complete. The rights to inspect and to correct records are the most important provisions of the Privacy Act. This *Guide* explains in more detail how an individual can exercise these rights.

Second, agencies must publish notices describing all systems of records. The notices include a complete description of personal-data record keeping policies, practices, and systems. This requirement prevents the maintenance of secret record systems.

Third, agencies must make reasonable efforts to maintain accurate, relevant, timely, and complete records about individuals. Agencies are prohibited from maintaining information about how individuals exercise rights guaranteed by the First Amendment to the U.S. Constitution unless maintenance of the information is specifically authorized by statute or relates to authorized law enforcement activity.

Fourth, the Act establishes rules governing the use and disclosure of personal information. The Act specifies that information collected for one purpose may not be used for another purpose without notice to or the consent of the subject of the record. The

¹⁵ The Privacy Act applies to some records that are not maintained by an agency. Subsection (m) of the Privacy Act states that, when an agency provides by contract for the operation of a system of records on its behalf, the requirements of the Privacy Act apply to those records. As a result, some records maintained outside of a federal agency are subject to the Privacy Act. Descriptions of these systems are published in the *Federal Register*. However, most records maintained outside of federal agencies are not subject to the Privacy Act.

Act also requires that agencies keep a record of some disclosures of personal information.

Fifth, the Act provides legal remedies that permit individuals to seek enforcement of the rights granted under the Act. In addition, there are criminal penalties that apply to federal employees who fail to comply with the Act's provisions.

B. LOCATING RECORDS

There is no central index of federal government records. An individual who wants to inspect records about himself or herself must first identify which agency has the records. Often, this will not be difficult. For example, an individual who was employed by the federal government knows that the employing agency or the Office of Personnel Management maintains personnel files.

Similarly, an individual who receives veterans' benefits will normally find the related records at the Veterans Administration or at the Defense Department. Tax records are maintained by the Internal Revenue Service, social security records by the Social Security Administration, passport records by the State Department, etc.

For those who are uncertain about which agency has the records that are needed, there are several sources of information. First, an individual can ask an agency that might maintain the records. If that agency does not have the records, it may be able to identify the proper agency.

Second, a government directory such as the *United States Government Manual*¹⁶ contains a complete list of all federal agencies, a description of agency functions, and the address of the agency and its field offices. An agency responsible for operating a program normally maintains the records related to that program.

Third, a Federal Information Center can help to identify government agencies, their functions, and their records. These Centers, which are operated by the General Services Administration, serve as clearinghouses for information about the federal government. There are several dozen Federal Information Centers throughout the country.

Fourth, the Office of the Federal Register publishes an annual compilation of system of records notices for all agencies. These notices contain a complete description of each record system maintained by each agency. The compilation—which is published in five large volumes—is the most complete reference for information about federal agency personal information practices.¹⁷ The infor-

¹⁶ The *United States Government Manual* is sold by the Superintendent of Documents of the U.S. Government Printing Office. Virtually every public library should have a copy on its shelves.

¹⁷ Each system notice contains the name of the system; its location; the categories of individuals covered by the system; the categories of records in the system; the legal authority for maintenance of the system; the routine disclosures that may be made for records in the system; the policies and practices of storing, retrieving, accessing, retaining, and disposing of records; the name and address of the manager of the system; procedures for requesting access to the records; procedures for requesting correction or amendment of the records; the source of the information in the system; and a description of any disclosure exemptions that may be applied to the records in the system.

mation that appears in the compilation is also published occasionally in the *Federal Register*.¹⁸

The compilation—formally called *Privacy Act Issuances*—may be difficult to find. Copies will be available in some federal depository libraries and possibly in other libraries as well. Although the compilation is the best single source of detailed information about personal records maintained by federal agencies, it is not necessary to consult the compilation before making a Privacy Act request.

A requester is not required to identify the specific system of records that contains the information being sought. It is sufficient to identify the agency that has the records. Using information provided by the requester, the agency will determine which system of records has the files that have been requested.

Those who request records under the Privacy Act can help the agency by identifying the type of records being sought. Large agencies maintain dozens or even hundreds of different record systems. A request is processed faster if the requester tells the agency that he or she was employed by the agency, was the recipient of benefits under an agency program, or had other specific contacts with the agency.

C. MAKING A PRIVACY ACT REQUEST FOR ACCESS

The fastest way to make a Privacy Act request is to identify the specific system of records. The request can be addressed to the system manager. Few people do this. Instead, most people address their requests to the head of the agency that has the records or the agency's Privacy Act Officer. The envelope containing the written request should be marked "Privacy Act Request" in the bottom left-hand corner.¹⁹

There are three basic elements to a request for records under the Privacy Act. First, the letter should state that the request is being made under the Privacy Act. Second, the letter should include the name, address, and signature of the requester. Third, the request should describe as specifically as possible the records that are wanted. Appendix 1 includes a sample Privacy Act request letter. It is a common practice for an individual seeking records about himself or herself to make the request under both the Privacy Act of 1974 and the Freedom of Information Act. See the discussion in the front of this Guide about which act to use.

A requester can describe the records by identifying a specific system of records, by describing his or her contacts with an agency, or by simply asking for all records about himself or herself. The

¹⁸ Agencies are required to publish in the *Federal Register* a description of each system of records when the system is established or amended. In the past, agencies were required to publish an annual compilation in the *Federal Register*, but that requirement was eliminated in 1982. As a result, for most agencies it will be difficult to find a complete list of all systems of records in the *Federal Register*. Some agencies do, however, reprint all system notices from time to time.

¹⁹ All agencies have Privacy Act regulations that describe the request process in greater detail. Large agencies may have several components, each of which has its own Privacy Act rules. Requesters who can find agency Privacy Act regulations in the *Code of Federal Regulations* (available in many libraries) might read these regulations before making a request. A requester who follows the agency's specific procedures may receive a faster response. However, the simple procedures suggested in this Guide are adequate to meet the minimum statutory requirements for a Privacy Act request.

broader and less specific a request is, the longer it may take for an agency to respond.

It is a good practice for a requester to describe the type of records that he or she expects to find. For example, an individual seeking a copy of his service record in the Army should state that he was in the Army and include the approximate dates of service. This will help the Defense Department narrow its search to record systems that are likely to contain the information being sought. An individual seeking records from the Federal Bureau of Investigation may ask that files in specific field offices be searched in addition to the FBI's central office files. The FBI does not routinely search field office records without a specific request.

Agencies generally require requesters to provide some proof of identity before records will be disclosed. Agencies may have different requirements. Some agencies will accept a signature; others may require a notarized signature. If an individual goes to the agency to inspect records, standard personal identification may be acceptable. More stringent requirements may apply if the records being sought are especially sensitive.

Agencies will inform requesters of any special identification requirements. Requesters who need records quickly should first consult agency regulations or talk to the agency's Privacy Act Officer to find out how to provide adequate identification.

An individual who visits an agency office to inspect a Privacy Act record may wish to bring along a friend or relative to review the record. When a requester brings another person, the agency may ask the requester to sign a written statement authorizing discussion of the record in the presence of that person.

It is a crime to knowingly and willfully request or obtain records under the Privacy Act under false pretenses. A request for access under the Privacy Act can only be made by the subject of the record. An individual cannot make a request under the Privacy Act for a record about another person. The only exception is for a parent or legal guardian who can request records for a minor or a person who has been declared incompetent.

D. FEES

Under the Privacy Act, fees can only be charged for the cost of copying records. No fees may be charged for the time it takes to search for the records or for the time it takes to review the records to determine if any exemptions apply. This is a major difference from the FOIA. Under the FOIA, fees can sometimes be charged to recover search costs and review costs.²⁰ The different fee structure in the two laws is one reason many requesters seeking records about themselves cite both laws. This minimizes allowable fees.

Many agencies will not charge fees for making copies of files under the Privacy Act, especially when the files are small. If paying the copying charges is a problem, the requester should explain in the request letter. An agency can waive fees under the Privacy Act.

²⁰ An individual seeking records about himself or herself under the FOIA should not be charged review charges. The only charges applicable under the FOIA are search and copy charges.

E. REQUIREMENTS FOR AGENCY RESPONSES

Unlike the FOIA, there is no fixed time when an agency must respond to a request for access to records under the Privacy Act. It is good practice for an agency to acknowledge receipt of a Privacy Act request within ten days and to provide the requested records within thirty days.

At many agencies, FOIA and Privacy Act requests are processed by the same personnel. When there is a backlog of requests, it takes longer to receive a response. As a practical matter, there is little that a requester can do when an agency response is delayed. Requesters should be patient.

Agencies generally process requests in the order in which they were received. Some agencies will expedite the processing of urgent requests. Anyone with a pressing need for records should consult with the agency Privacy Act Officer about how to ask for expedited treatment of requests.

F. REASONS ACCESS MAY BE DENIED UNDER THE PRIVACY ACT

Not all records about an individual must be disclosed under the Privacy Act. Some records may be withheld to protect important government interests such as national security or law enforcement.

The Privacy Act exemptions are different from the exemptions of the FOIA. Under the FOIA, any record may be withheld from disclosure if it contains exempt information when a request is received. The decision to apply an FOIA exemption is made only after a request has been made. In contrast, Privacy Act exemptions apply not to records but to systems of records. Before an agency can apply a Privacy Act exemption, the agency must first issue a regulation stating that there may be exempt records in that system of records. Thus, there is a procedural prerequisite for the application of Privacy Act exemptions.

Without reviewing agency regulations, it is hard to tell whether particular Privacy Act records are exempt from disclosure. However, it is a safe assumption that any system of records that qualifies for an exemption has been exempted by the agency.

Since most record systems are not exempt, the exemptions are not relevant to most requests. Also, agencies do not automatically rely upon Privacy Act exemptions unless there is a specific reason to do so. Thus, some records that are exempt may be disclosed upon request.

Because Privacy Act exemptions are complex and used infrequently, most requesters need not worry about them. The exemptions are discussed here for those interested in the law's details and for reference when an agency withholds records. Anyone interested in more information about the Privacy Act's exemptions can begin by reading the relevant sections of the Act. The complete text of the Act is reprinted in an appendix to this *Guide*.²¹

²¹ In 1975, the Office of Management and Budget issued guidance to federal agencies on the Privacy Act of 1974. These guidelines are a good source of commentary and explanation for 2808 of the provisions of the Act. The OMB guidelines can be found at 40 Federal Register 28948 (July 9, 1975).

The Privacy Act's exemptions differ from those of the FOIA in another important way. The FOIA is mostly a disclosure law. Information exempt under the FOIA is exempt from disclosure only. That is not true under the Privacy Act. It imposes many separate requirements on personal records. No system of records is exempt from all Privacy Act requirements.

For example, no system of records is ever exempt from the requirement that a description of the system be published. No system of records can be exempted from the limitations on disclosure of the records outside of the agency. No system is exempt from the requirement to maintain an accounting for disclosures. No system is exempt from the restriction against the maintenance of unauthorized information on the exercise of First Amendment rights. All systems are subject to the requirement that reasonable efforts be taken to assure that records disclosed outside the agency be accurate, complete, timely, and relevant. Agencies must maintain proper administrative controls and security for all systems. Finally, the Privacy Act's criminal penalties remain fully applicable to each system of records.

1. General Exemptions

There are two general exemptions under the Privacy Act. The first applies to all records maintained by the Central Intelligence Agency. The second general exemption applies to selected records maintained by an agency or component whose principal function is any activity pertaining to criminal law enforcement. Records of these criminal law enforcement agencies can be exempt under the Privacy Act if the records consist of (A) information compiled to identify individual criminal offenders and which consist only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (B) criminal investigatory records associated with an identifiable individual; or (C) reports identifiable to a particular individual compiled at any stage from arrest through release from supervision.

Systems of records subject to these general exemptions may be exempted from many of the Privacy Act's requirements. Exemption from the Act's access and correction provisions is the most important. Individuals have no right under the Privacy Act to ask for a copy of records that are generally exempt or to seek correction of erroneous records.

In practice, these exemptions are not as expansive as they sound. Most agencies that have exempt records will accept and process Privacy Act requests. The records will be reviewed on a case-by-case basis. Agencies will often disclose any information that does not require protection. Agencies also tend to follow a similar policy for requests for correction.

Individuals interested in obtaining records from the Central Intelligence Agency or from law enforcement agencies should not be discouraged from making requests for access. Even if the Privacy Act access exemption is applied, portions of the records may still be disclosable under the FOIA. This is a primary reason individuals should cite both the Privacy Act and the FOIA when requesting records.

The general exemption from access does prevent requesters from filing a lawsuit under the Privacy Act when access is denied. The right to sue under the FOIA is not changed because of a Privacy Act exemption.

2. Specific Exemptions

There are seven specific Privacy Act exemptions that can be applied to many systems of records. Records subject to these exemptions are not exempt from as many of the Act's requirements as are the records subject to the general exemptions. However, records exempt under the specific exemptions are exempt from the Privacy Act's access and correction provisions. Nevertheless, since the access and correction exemptions are not always applied when available, those seeking records should not be discouraged from making a request. Also, the FOIA can be used to seek access to records exempt under the Privacy Act.

The first specific exemption covers record systems containing information that is properly classified. Classified information is also exempt from disclosure under the FOIA. Information that has been classified in the interest of national defense or foreign policy will normally be unavailable under either the FOIA or the Privacy Act.

The second specific exemption applies to systems of records containing investigatory material compiled for law enforcement purposes other than material covered by the general law enforcement exemption. The specific law enforcement exemption is limited when—as a result of the maintenance of the records—an individual is denied any right, privilege, or benefit to which he or she would be entitled by federal law or for which he or she would otherwise be entitled. In such a case, disclosure is required except where disclosure would reveal the identity of a confidential source who furnished information to the government under an express promise that the identity of the source would be held in confidence. If the information was collected from a confidential source before the effective date of the Privacy Act (September 27, 1975), an implied promise of confidentiality is sufficient to permit withholding of the identity of the source.²²

The third specific exemption applies to systems of records maintained in connection with providing protective services to the President of the United States or other individuals who receive protection from the Secret Service.

The fourth specific exemption applies to systems of records required by statute to be maintained and used solely as statistical records.

The fifth specific exemption covers investigatory material compiled solely to determine suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information. However, this exemption applies only to the extent that disclosure of information would reveal the identity of a confidential source who provided the information under a promise of confidentiality.

²² This distinction between express and implied promises of confidentiality is repeated throughout the specific exemptions of the Privacy Act.

The sixth specific exemption applies to systems of records that contain testing or examination material used *solely* to determine individual qualifications for appointment or promotion in federal service, but only when disclosure would compromise the objectivity or fairness of the testing or examination process. Effectively, this exemption permits withholding of questions used in employment tests.

The seventh specific exemption covers evaluation material used to determine potential for promotion in the armed services. The material is only exempt to the extent that disclosure would reveal the identity of a confidential source who provided the information under a promise of confidentiality.

3. Medical Records

Medical records maintained by federal agencies—for example, records at Veterans Administration hospitals—are not formally exempt from the Privacy Act's access provisions. However, the Privacy Act authorizes a special procedure for medical records that operates, at least in part, like an exemption.

Agencies may deny individuals direct access to medical records, including psychological records, if the agency deems it necessary. An agency normally reviews medical records requested by an individual. If the agency determines that direct disclosure is unwise, it can arrange for disclosure to a physician selected by the individual or possibly to another person chosen by the individual.

4. Litigation Records

The Privacy Act's access provisions include a general limitation on access to litigation records. The Act does not require an agency to disclose to an individual any information compiled in reasonable anticipation of a civil action or proceeding. This limitation operates like an exemption, although there is no requirement that the exemption be applied to a system of records before it can be used.

G. ADMINISTRATIVE APPEAL PROCEDURES FOR DENIAL OF ACCESS

Unlike the FOIA, the Privacy Act does not provide for an administrative appeal of the denial of access. However, many agencies have established procedures that will allow Privacy Act requesters to appeal a denial of access without going to court. An administrative appeal is often allowed under the Privacy Act, even though it is not required, because many individuals cite both the FOIA and Privacy Act when making a request. The FOIA provides specifically for an administrative appeal, and agencies are required to consider an appeal under the FOIA.

When a Privacy Act request for access is denied, agencies usually inform the requestor of any appeal rights that are available. If no information on appeal rights is included in the denial letter, the requestor should ask the Privacy Act Officer. Unless an agency has established an alternative procedure, it is possible that an appeal filed directly with the head of the agency will be considered by the agency.

When a request for access is denied under the Privacy Act, the agency explains the reason for the denial. The explanation must

name the system of records and explain which exemption is applicable to the system. An appeal may be made on the basis that the record is not exempt, that the system of records has not been properly exempted, or that the record is exempt but no harm to an important interest will result if the record is disclosed.

There are three basic elements to a Privacy Act appeal letter. First, the letter should state that the appeal is being made under the Privacy Act of 1974. If the FOIA was cited when the request for access was made, the letter should state that the appeal is also being made under the FOIA. This is important because the FOIA grants requesters statutory appeal rights.

Second, a Privacy Act appeal letter should identify the denial that is being appealed and the records that were withheld. The appeal letter should also explain why the denial of access was improper or unnecessary.

Third, the appeal should include the requester's name and address. It is a good practice for a requester to also include a telephone number when making an appeal.

Appendix 1 includes a sample letter of appeal.

H. AMENDING RECORDS UNDER THE PRIVACY ACT

The Privacy Act grants an important right in addition to the ability to inspect records. The Act permits an individual to request a correction of a record that is not accurate, relevant, timely, or complete. This remedy allows an individual to correct errors and to prevent those errors from being disseminated by the agency or used unfairly against the individual.

The right to seek a correction extends only to records subject to the Privacy Act. Also, an individual can only correct errors contained in a record that pertains to himself or herself. Records disclosed under the FOIA cannot be amended through the Privacy Act unless the records are also subject to the Privacy Act. Records about unrelated events or about other people cannot be amended unless the records are in a Privacy Act file maintained under the name of the individual who is seeking to make the correction.

A request to amend a record should be in writing. Agency regulations explain the procedures in greater detail, but the process is not complicated. A letter requesting an amendment of a record will normally be addressed to the Privacy Act Officer of the agency or to the agency official responsible for the maintenance of the record system containing the erroneous information. The envelope containing the request should be marked "Privacy Act Amendment Request" on the lower left corner.

There are five basic elements to a request for amending a Privacy Act record.

First, the letter should state that it is a request to amend a record under the Privacy Act of 1974.

Second, the request should identify the specific record and the specific information in the record for which an amendment is being sought.

Third, the request should state why the information is not accurate, relevant, timely, or complete. Supporting evidence may be included with the request.

Fourth, the request should state what new or additional information, if any, should be included in place of the erroneous information. Evidence of the validity of the new or additional information should be included. If the information in the file is wrong and needs to be removed rather than supplemented or corrected, the request should make this clear.

Fifth, the request should include the name and address of the requester. It is a good idea for a requester to include a telephone number.

Appendix 1 includes a sample letter requesting amendment of a Privacy Act record.

I. APPEALS AND REQUIREMENTS FOR AGENCY RESPONSES

An agency that receives a request for amendment under the Privacy Act must acknowledge receipt of the request within ten days (not including Saturdays, Sundays, and legal holidays). The agency must promptly rule on the request.

The agency may make the amendment requested. If so, the agency must notify any person or agency to which the record had previously been disclosed of the correction.

If the agency refuses to make the change requested, the agency must inform the requester of: (1) the agency's refusal to amend the record; (2) the reason for refusing to amend the request; and (3) the procedures for requesting a review of the denial. The agency must provide the name and business address of the official responsible for conducting the review.

An agency must decide an appeal of a denial of a request for amendment within thirty days (excluding Saturdays, Sundays, and legal holidays), unless the time period is extended by the agency for good cause. If the appeal is granted, the record will be corrected.

If the appeal is denied, the agency must inform the requester of the right to judicial review. In addition, a requester whose appeal has been denied also has the right to place in the agency file a concise statement of disagreement with the information that was the subject of the request for amendment.

When a statement of disagreement has been filed and an agency is disclosing the disputed information, the agency must mark the information and provide copies of the statement of disagreement. The agency may also include a concise statement of its reasons for not making the requested amendments. The agency must also give a copy of the statement of disagreement to any person or agency to whom the record had previously been disclosed.

J. FILING A JUDICIAL APPEAL

The Privacy Act provides a civil remedy whenever an agency denies access to a record or refuses to amend a record. An individual may sue an agency if the agency fails to maintain records with accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any agency determination and the agency makes a determination that is adverse to the individual. An individual may also sue an agency if the agency fails to comply with any

other Privacy Act provision in a manner that has an adverse effect on the individual.

The Privacy Act protects a wide range of rights about personal records maintained by federal agencies. The most important are the right to inspect records and the right to seek correction of records. Other rights have also been mentioned here, and still others can be found in the text of the Act. Most of these rights can become the subject of litigation.

An individual may file a lawsuit against an agency in the federal district court in which the individual lives, in which the records are situated, or in the District of Columbia. A lawsuit must be filed within two years from the date on which the basis for the lawsuit arose.

Most individuals require the assistance of an attorney to file a judicial appeal. An individual who files a lawsuit and substantially prevails may be awarded reasonable attorney fees and litigation costs reasonably incurred. Some requesters may be able to handle their own appeal without an attorney. Since this is not a litigation guide, details about the judicial appeal process have not been included. Anyone considering filing an appeal can begin by reviewing the provisions of the Privacy Act on civil remedies.

APPENDIXES

B. FREEDOM OF INFORMATION ACT APPEAL LETTER

Agency Head or Appeal Officer
 Name of Agency
 Address of Agency
 City, State, Zip Code
 Re: Freedom of Information Act Appeal.

DEAR :

This is an appeal under the Freedom of Information Act. On (date), I requested documents under the Freedom of Information Act. My request was assigned the following identification number: . On (date), I received a response to my request in a letter signed by (name of official). I appeal the denial of my request.

[Optional] The documents that were withheld must be disclosed under the FOIA because * * *

[Optional] I appeal the decision to deny my request for a waiver of fees. I believe that I am entitled to a waiver of fees. Disclosure of the documents I requested is in the public interest because the information is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in my commercial interests. (Provide details)

[Optional] I appeal the decision to require me to pay review costs for this request. I am not seeking the documents for a commercial use. (Provide details)

[Optional] I appeal the decision to require me to pay search charges for this request. I am a reporter seeking information as part of news gathering and not for commercial use.

Thank you for your consideration of this appeal.

Sincerely,

Name
 Address
 City, State, Zip Code
 Telephone Number [Optional]

C. PRIVACY ACT REQUEST FOR ACCESS LETTER

Privacy Act Officer [or System of Records Manager]

Name of Agency
 Address of Agency
 City, State, Zip Code
 Re: Privacy Act Request for Access.

DEAR :

This is a request under the Privacy Act of 1974.

I request a copy of any records [or specifically named records] about me maintained at your agency.

[Optional] To help you to locate my records, I have had the following contacts with your agency: [mention job applications, periods of employment, loans or agency programs applied for, etc.]

[Optional] Please consider that this request is also made under the Freedom of Information Act. Please provide any additional information that may be available under the FOIA.

APPENDIX 1.—SAMPLE REQUEST AND APPEAL LETTERS

A. FREEDOM OF INFORMATION ACT REQUEST LETTER

Agency Head [or Freedom of Information Act Officer]

Name of Agency
 Address of Agency
 City, State, Zip Code
 Re: Freedom of Information Act Request.

DEAR

This is a request under the Freedom of Information Act.

I request that a copy of the following documents [or documents containing the following information] be provided to me: [identify the documents or information as specifically as possible].

In order to help to determine my status to assess fees, you should know that I am (insert a suitable description of the requester and the purpose of the request).

[Sample requester descriptions:

a representative of the news media affiliated with the newspaper (magazine, television station, etc.), and this request is made as part of news gathering and not for a commercial use. affiliated with an educational or noncommercial scientific institution, and this request is made for a scholarly or scientific purpose and not for a commercial use. an individual seeking information for personal use and not for a commercial use.

affiliated with a private corporation and am seeking information for use in the company's business.]

[Optional] I am willing to pay fees for this request up to a maximum of \$. If you estimate that the fees will exceed this limit, please inform me first.

[Optional] I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. [include a specific explanation.]

Thank you for your consideration of this request.

Sincerely,

Name
 Address
 City, State, Zip Code
 Telephone number [Optional]

[Optional] I am willing to pay fees for this request up to a maximum of \$. If you estimate that the fees will exceed this limit, please inform me first.

[Optional] Enclosed is [a notarized signature or other identifying document] that will verify my identity.
Thank you for your consideration of this request.

Sincerely,

Name _____
Address _____
City, State, Zip Code _____
Telephone Number [Optional] _____

D. PRIVACY ACT DENIAL OF ACCESS APPEAL

Agency Head or Appeal Officer

Name of Agency _____

Address of Agency _____

City, State, Zip Code _____

Re: Appeal of Denial of Privacy Act Access Request.

DEAR _____

This is an appeal under the Privacy Act of the denial of my request for access to records.

On (date), I requested access to records under the Privacy Act of 1974. My request was assigned the following identification number: _____

On (date), I received a response to my request in a letter signed by (name of official). I appeal the denial of my request.

[Optional] The records that were withheld should be disclosed to me because . . .

[Optional] Please consider that this appeal is also made under the Freedom of Information Act. Please provide any additional information that may be available under the FOIA.

Thank you for your consideration of this appeal.

Sincerely,

Name _____
Address _____
City, State, Zip Code _____
Telephone Number [Optional] _____

E. PRIVACY ACT REQUEST TO AMEND RECORDS

Privacy Act Officer [or System of Records Manager]

Name of Agency _____

Address of Agency _____

City, State, Zip Code _____

Re: Privacy Act Request To Amend Records.

DEAR _____

This is a request under the Privacy Act to amend records about myself maintained by your agency.

I believe that the following information is not correct: [Describe the incorrect information as specifically as possible].

The information is not (accurate) (relevant) (timely) (complete) because . . .

[Optional] Enclosed are copies of documents that show that the information is incorrect.

I request that the information be [deleted] [changed to read:] _____

Thank you for your consideration of this request.

Sincerely,

Name _____
Address _____
City, State, Zip Code _____
Telephone Number [Optional] _____

F. PRIVACY ACT APPEAL OF REFUSAL TO AMEND RECORDS

Agency Head or Appeal Officer

Name of Agency _____

Address of Agency _____

City, State, Zip Code _____

Re: Privacy Act Appeal of Refusal To Amend Records.

DEAR _____

This is an appeal under the Privacy Act of the refusal of your agency to amend records as I requested.

On (date), I requested that records about me be amended. My request was assigned the following identification number.

On (date), I was informed by (name of official) that my request was rejected. I appeal the rejection of my request.

The rejection of my request for amendment was wrong because . . .

[Optional] I enclose additional evidence that shows that the records are incorrect and that the amendment I requested is appropriate.

Thank you for your consideration of this appeal.

Sincerely,

Name _____
Address _____
City, State, Zip Code _____
Telephone Number [Optional] _____

information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this paragraph to be made available or published. Each agency shall promptly publish, quarterly or more frequently, and distribute (by sale or otherwise) copies of each index or supplements thereto unless it determines by order published in the Federal Register that the publication would be unnecessary and impracticable, in which case the agency shall nonetheless provide copies of such index on request at a cost not to exceed the direct cost of duplication. A final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects a member of the public may be relied on, used, or cited as precedent by an agency against a party other than an agency only if—

- (i) it has been indexed and either made available or published as provided by this paragraph; or
- (ii) the party has actual and timely notice of the terms thereof.

(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, upon any request for records which (A) reasonably describes such records and (B) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person.

(4)(A)(i) In order to carry out the provisions of this section, each agency shall promulgate regulations, pursuant to notice and receipt of public comment, specifying the schedule of fees applicable to the processing of requests under this section and establishing procedures and guidelines for determining when such fees should be waived or reduced. Such schedule shall conform to the guidelines which shall be promulgated, pursuant to notice and receipt of public comment, by the Director of the Office of Management and Budget and which shall provide for a uniform schedule of fees for all agencies.

(ii) Such agency regulations shall provide that—

(I) fees shall be limited to reasonable standard charges for document search, duplication, and review, when records are requested for commercial use;

(II) fees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by an educational or noncommercial scientific institution, whose purpose is scholarly or scientific research; or a representative of the news media; and

(III) for any request not described in (I) or (II), fees shall be limited to reasonable standard charges for document search and duplication.

(iii) Documents shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(iv) Fee schedules shall provide for the recovery of only the direct costs of search, duplication, or review. Review costs shall include

APPENDIX 2.—TEXT OF THE FREEDOM OF INFORMATION ACT

8 552. Public information; agency rules, opinions, orders, records, and proceedings

(a) Each agency shall make available to the public information as follows:

(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public—

(A) descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(E) each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

(2) Each agency, in accordance with published rules, shall make available for public inspection and copying—

(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register; and

(C) administrative staff manuals and instructions to staff that affect a member of the public;

unless the materials are promptly published and copies offered for sale. To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction. However, in each case the justification for the deletion shall be explained fully in writing. Each agency shall also maintain and make available for public inspection and copying current indexes providing identifying

only the direct costs incurred during the initial examination of a document for the purposes of determining whether the documents must be disclosed under this section and for the purposes of withholding any portions exempt from disclosure under this section. Review costs may not include any costs incurred in resolving issues of law or policy that may be raised in the course of processing a request under this section. No fee may be charged by any agency under this section—

(I) if the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee; or

(II) for any request described in clause (i)(II) or (III) of this subparagraph for the first two hours of search time or for the first one hundred pages of duplication.

(v) No agency may require advance payment of any fee unless the requester has previously failed to pay fees in a timely fashion, or the agency has determined that the fee will exceed \$250.

(vi) Nothing in this subparagraph shall supersede fees chargeable under a statute specifically providing for setting the level of fees for particular types of records.

(vii) In any action by a requester regarding the waiver of fees under this section, the court shall determine the matter *de novo*. *Provided*, That the court's review of the matter shall be limited to the record before the agency.

(B) On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter *de novo*, and may examine the contents of such agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of this section, and the burden is on the agency to sustain its action.

(C) Notwithstanding any other provision of law, the defendant shall serve an answer or otherwise plead to any complaint made under this subsection within thirty days after service upon the defendant of the pleading in which such complaint is made, unless the court otherwise directs for good cause shown.

(D) [Repealed.]

(E) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed.

(F) Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding, the Special Counsel shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsi-

ble for the withholding. The Special Counsel, after investigation and consideration of the evidence submitted, shall submit his findings and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Special Counsel recommends.

(G) In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member.

(5) Each agency having more than one member shall maintain and make available for public inspection a record of the final votes of each member in every agency proceeding.

(6)(A) Each agency, upon any request for records made under paragraph (1), (2), or (3) of this subsection, shall—

(i) determine within ten days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefor, and of the right of such person to appeal to the head of the agency any adverse determination; and

(ii) make a determination with respect to any appeal within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal. If on appeal the denial of the request for records is in whole or in part upheld, the agency shall notify the person making such request of the provisions for judicial review of that determination under paragraph (4) of this subsection.

(B) In unusual circumstances as specified in this subparagraph, the time limits prescribed in either clause (i) or clause (ii) of subparagraph (A) may be extended by written notice to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days. As used in this subparagraph, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request—

(i) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(C) Any person making a request to any agency for records under paragraph (1), (2), or (3) of this subsection shall be deemed to have exhausted his administrative remedies with respect to such request

if the agency fails to comply with the applicable time limit provisions of this paragraph. If the Government can show exceptional circumstances exist and that the agency is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records. Upon any determination by an agency to comply with a request for records, the records shall be made promptly available to such person making such request. Any notification of denial of any request for records under this subsection shall set forth the names and titles or positions of each person responsible for the denial of such request.

(b) This section does not apply to matters that are—

(1)(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;

(2) related solely to the internal personnel rules and practices of an agency;

(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) geological and geophysical information and data, including maps, concerning wells.

Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection.

(c)(1) Whenever a request is made which involves access to records described in subsection (b)(7)(A) and—

(A) the investigation or proceeding involves a possible violation of criminal law; and

(B) there is reason to believe that (i) the subject of the investigation or proceeding is not aware of its pendency, and (ii) disclosure of the existence of the records could reasonably be expected to interfere with enforcement proceedings,

the agency may, during only such time as that circumstance continues, treat the records as not subject to the requirements of this section.

(2) Whenever informant records maintained by a criminal law enforcement agency under an informant's name or personal identifier are requested by a third party according to the informant's name or personal identifier, the agency may treat the records as not subject to the requirements of this section unless the informant's status as an informant has been officially confirmed.

(3) Whenever a request is made which involves access to records maintained by the Federal Bureau of Investigation pertaining to foreign intelligence or counterintelligence, or international terrorism, and the existence of the records is classified information as provided in subsection (b)(1), the Bureau may, as long as the existence of the records remains classified information, treat the records as not subject to the requirements of this section.

(d) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from Congress.

(e) On or before March 1 of each calendar year, each agency shall submit a report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress. The report shall include—

(1) the number of determinations made by such agency not to comply with requests for records made to such agency under subsection (a) and the reasons for each such determination;

(2) the number of appeals made by persons under subsection (a)(6), the result of such appeals, and the reason for the action upon each appeal that results in a denial of information;

(3) the names and titles or positions of each person responsible for the denial of records requested under this section, and the number of instances of participation for each;

(4) the results of each proceeding conducted pursuant to sub-section (a)(4)(F), including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(5) a copy of every rule made by such agency regarding this section;

(6) a copy of the fee schedule and the total amount of fees collected by the agency for making records available under this section; and

(7) such other information as indicates efforts to administer fully this section.

The Attorney General shall submit an annual report on or before March 1 of each calendar year which shall include for the prior calendar year a listing of the number of cases arising under this section, the exemption involved in each case, the disposition of such case, and the cost, fees, and penalties assessed under subsections (a)(4)(E), (F), and (G). Such report shall also include a description of the efforts undertaken by the Department of Justice to encourage agency compliance with this section.

(f) For purposes of this section, the term "agency" as defined in section 551(1) of this title includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 383; Pub. L. 90-23, § 1, June 5, 1967, 81 Stat. 54; Pub. L. 93-502, §§ 1-3, Nov. 21, 1974, 88 Stat. 1561-1564; Pub. L. 94-403, § 5(b), Sept. 13, 1976, 90 Stat. 1247; Pub. L. 95-454, title IX, § 906(a)(10), Oct. 13, 1978, 92 Stat. 1225; Pub. L. 96-620, Nov. 8, 1984, 98 Stat. 335; Pub. L. 99-570, Oct. 27, 1986, 100 Stat. 3207-48 and 3207-49.)

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8 552a. Records maintained on individuals

(a) Definitions

For purposes of this section—

(1) the term "agency" means agency as defined in section 552(e) of this title;

(2) the term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(3) the term "maintain" includes maintain, collect, use, or disseminate;

(4) the term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

(5) the term "system of records" means a group of any records 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;

(6) the term "statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of title 13, and

(7) the term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

(b) Conditions of disclosure

No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be—

- (1) to those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;
- (2) required under section 552 of this title;
- (3) for a routine use as defined in subsection (a)(7) of this section and described under subsection (e)(4)(D) of this section;
- (4) to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;
- (5) to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;
- (6) to the National Archives and Records Administration as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Archivist of the United States or the designee of the Archivist to determine whether the record has such value;
- (7) to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;
- (8) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;
- (9) to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;
- (10) to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office;
- (11) pursuant to the order of a court of competent jurisdiction; and
- (12) to a consumer reporting agency in accordance with section 3711(f) of title 31.

(c) Accounting of certain disclosures

Each agency, with respect to each system of records under its control shall—

- (1) except for disclosures made under subsections (b)(1) or (b)(2) of this section, keep an accurate accounting of—
 - (A) the date, nature, and purpose of each disclosure of a record to any person or to another agency made under subsection (b) of this section; and
 - (B) the name and address of the person or agency to whom the disclosure is made;
- (2) retain the accounting made under paragraph (1) of this subsection for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made;
- (3) except for disclosures made under subsection (b)(7) of this section, make the accounting made under paragraph (1) of this subsection available to the individual named in the record at his request; and
- (4) inform any person or other agency about any correction or notation of dispute made by the agency in accordance with subsection (c) of this section of any record that has been disclosed to the person or agency if an accounting of the disclosure was made.

(d) Access to records

Each agency that maintains a system of records shall—

- (1) upon request by any individual to gain access to his record or to any information pertaining to him which is contained in the system, permit him and upon his request, a person of his own choosing to accompany him, to review the record and have a copy made of all or any portion thereof in a form comprehensible to him, except that the agency may require the individual to furnish a written statement authorizing discussion of that individual's record in the accompanying person's presence;
- (2) permit the individual to request amendment of a record pertaining to him and—
 - (A) not later than 10 days (excluding Saturdays, Sundays, and legal public holidays) after the date of receipt of such request, acknowledge in writing such receipt; and
 - (B) promptly, either—
 - (i) make any correction of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or
 - (ii) inform the individual of its refusal to amend the record in accordance with his request, the reason for the refusal, the procedures established by the agency for the individual to request a review of that refusal, by the head of the agency or an officer designated by the head of the agency, and the name and business address of that official;
- (3) permit the individual who disagrees with the refusal of the agency to amend his record to request a review of such re-

fusal, and not later than 30 days (excluding Saturdays, Sundays, and legal public holidays) from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the head of the agency extends such 30-day period; and if, after his review, the reviewing official also refuses to amend the record in accordance with the request, permit the individual to file with the agency a concise statement setting forth the reasons for his disagreement with the refusal of the agency, and notify the individual of the provisions for judicial review of the reviewing official's determination under subsection (g)(1)(A) of this section;

(4) in any disclosure, containing information about which the individual has filed a statement of disagreement, occurring after the filing of a statement under paragraph (3) of this subsection, clearly note any portion of the record which is disputed and provide copies of the statement and, if the agency deems it appropriate, copies of a concise statement of the reasons of the agency for not making the amendments requested, to persons or other agencies to whom the disputed record has been disclosed; and

(5) nothing in this section shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

(e) Agency requirements

Each agency that maintains a system of records shall—

(1) maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by executive order of the President;

(2) collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs;

(3) inform each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the individual—

(A) the authority (whether granted by statute, or by executive order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

(B) the principal purpose or purposes for which the information is intended to be used;

(C) the routine uses which may be made of the information, as published pursuant to paragraph (4)(D) of this subsection; and

(D) the effects on him, if any, of not providing all or any part of the requested information;

(4) subject to the provisions of paragraph (1) of this subsection, publish in the Federal Register upon establishment or revision a notice of the existence and character of the system of records, which notice shall include—

(A) the name and location of the system;

(B) the categories of individuals on whom records are maintained in the system;

(C) the categories of records maintained in the system;

(D) each routine use of the records contained in the system, including the categories of users and the purpose of such use;

(E) the policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;

(F) the title and business address of the agency official who is responsible for the system of records;

(G) the agency procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;

(H) the agency procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its content; and

(I) the categories of sources of records in the system;

(5) maintain all records which are used by the agency in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination;

(6) prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to subsection (b)(2) of this section, make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for agency purposes;

(7) maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity;

(8) make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record;

(9) establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, and instruct each such person with respect to such rules and the requirements of this section, including any other rules and procedures adopted pursuant to this section and the penalties for noncompliance;

(10) establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained; and

(11) at least 30 days prior to publication of information under paragraph (4)(D) of this subsection, publish in the Federal Reg-

ister notice of any new use or intended use of the information in the system, and provide an opportunity for interested persons to submit written data, views, or arguments to the agency.

(f) Agency rules

In order to carry out the provisions of this section, each agency that maintains a system of records shall promulgate rules, in accordance with the requirements (including general notice) of section 553 of this title, which shall—

- (1) establish procedures whereby an individual can be notified in response to his request if any system of records named by the individual contains a record pertaining to him;
- (2) define reasonable times, places, and requirements for identifying an individual who requests his record or information pertaining to him before the agency shall make the record or information available to the individual;
- (3) establish procedures for the disclosure to an individual upon his request of his record or information pertaining to him, including special procedure, if deemed necessary, for the disclosure to an individual of medical records, including psychological records pertaining to him;
- (4) establish procedures for reviewing a request from an individual concerning the amendment of any record or information pertaining to the individual, for making a determination on the request, for an appeal within the agency of an initial adverse agency determination, and for whatever additional means may be necessary for each individual to be able to exercise fully his rights under this section; and
- (5) establish fees to be charged, if any, to any individual for making copies of his record, excluding the cost of any search for and review of the record.

The Office of the Federal Register shall annually compile and publish the rules promulgated under this subsection and agency notices published under subsection (e)(4) of this section in a form available to the public at low cost.

(g)(1) Civil remedies

Whenever any agency—

(A) makes a determination under subsection (d)(3) of this section not to amend an individual's record in accordance with his request, or fails to make such review in conformity with that subsection;

(B) refuses to comply with an individual request under subsection (d)(1) of this section;

(C) fails to maintain any record concerning any individual with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, or opportunities of, or benefits to the individual that may be made on the basis of such record, and consequently a determination is made which is adverse to the individual; or

(D) fails to comply with any other provision of this section, or any rule promulgated thereunder, in such a way as to have an adverse effect on an individual, the individual may bring a civil action against the agency, and the district courts of the United States shall have jurisdiction in the matters under the provisions of this subsection.

(2)(A) In any suit brought under the provisions of subsection (g)(1)(A) of this section, the court may order the agency to amend the individual's record in accordance with his request or in such other way as the court may direct. In such a case the court shall determine the matter *de novo*.

(B) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this paragraph in which the complainant has substantially prevailed.

(3)(A) In any suit brought under the provisions of subsection (g)(1)(B) of this section, the court may enjoin the agency from withholding the records and order the production to the complainant of any agency records improperly withheld from him. In such a case the court shall determine the matter *de novo*, and may examine the contents of any agency records *in camera* to determine whether the records or any portion thereof may be withheld under any of the exemptions set forth in subsection (k) of this section, and the burden is on the agency to sustain its action.

(B) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this paragraph in which the complainant has substantially prevailed.

(4) In any suit brought under the provisions of subsection (g)(1)(C) or (D) of this section in which the court determines that the agency acted in a manner which was intentional or willful, the United States shall be liable to the individual in an amount equal to the sum of—

(A) actual damages sustained by the individual as a result of the refusal or failure, but in no case shall a person entitled to recovery receive less than the sum of \$1,000; and

(B) the costs of the action together with reasonable attorney fees as determined by the court.

(5) An action to enforce any liability created under this section may be brought in the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, without regard to the amount in controversy, within two years from the date on which the cause of action arises, except that where an agency has materially and willfully misrepresented any information required under this section to be disclosed to an individual and the information so misrepresented is material to establishment of the liability of the agency to the individual under this section, the action may be brought at any time within two years after discovery by the individual of the misrepresentation. Nothing in this section shall be construed to authorize any civil action by reason of any injury sustained as the result of a disclosure of a record prior to September 27, 1975.

(k) Specific exemptions

The head of any agency may promulgate rules, in accordance with the requirements (including general notice) of sections 553(b)(1), (2), and (3), (c), and (e) of this title, to exempt any system of records within the agency from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of this section if the system of records is--

(1) subject to the provisions of section 552(b)(1) of this title;

(2) investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of this section: *Provided, however,* That if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

(3) maintained in connection with providing protective services to the President of the United States or other individuals pursuant to section 3056 of title 18;

(4) required by statute to be maintained and used solely as statistical records;

(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

(6) testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process; or

(7) evaluation material used to determine potential for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

At the time rules are adopted under this subsection, the agency shall include in the statement required under section 553(c) of this title, the reasons why the system of records is to be exempted from a provision of this section.

(h) Rights of legal guardians

For the purposes of this section, the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act on behalf of the individual.

(i)(1) Criminal penalties

Any officer or employee of an agency, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by this section or by rules or regulations established thereunder, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than \$5,000.

(2) Any officer or employee of any agency who willfully maintains a system of records without meeting the notice requirements of subsection (e)(4) of this section shall be guilty of a misdemeanor and fined not more than \$5,000.

(3) Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000.

(i) General exemptions

The head of any agency may promulgate rules, in accordance with the requirements (including general notice) of sections 553(b)(1), (2), and (3), (c), and (e) of this title, to exempt any system of records within the agency from any part of this section except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i) if the system of records is--

(1) maintained by the Central Intelligence Agency; or

(2) maintained by an agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals, and the activities of prosecutors, courts, correctional, probation, pardon, or parole authorities, and which consists of (A) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (B) information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws at any arrest or indictment through release from supervision.

At the time rules are adopted under this subsection, the agency shall include in the statement required under section 553(c) of this title, the reasons why the system of records is to be exempted from a provision of this section.

(X1) Archival records

Each agency record which is accepted by the Archivist if the United States for storage, processing, and servicing in accordance with section 3103 of title 44 shall, for the purposes of this section, be considered to be maintained by the agency which deposited the record and shall be subject to the provisions of this section. The Archivist if the United States shall not disclose the record except to the agency which maintains the record, or under rules established by that agency which are not inconsistent with the provisions of this section.

(2) Each agency record pertaining to an identifiable individual which was transferred to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, prior to the effective date of this section, shall, for the purposes of this section, be considered to be maintained by the National Archives and shall not be subject to the provisions of this section, except that a statement generally describing such records (modeled after the requirements relating to records subject to subsections (e)(4)(A) through (G) of this section) shall be published in the Federal Register.

(3) Each agency record pertaining to an identifiable individual which is transferred to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, on or after the effective date of this section, shall, for the purposes of this section, be considered to be maintained by the National Archives and shall be exempt from the requirements of this section except subsections (e)(4)(A) through (G) and (e)(9) of this section.

(m) Government contractors

(1) When an agency provides by a contract for the operation by or on behalf of the agency of a system of records to accomplish an agency function, the agency shall, consistent with its authority, cause the requirements of this section to be applied to such system. For purposes of subsection (f) of this section any such contractor and any employee of such contractor, if such contract is agreed to on or after the effective date of this section, shall be considered to be an employee of an agency.

(2) A consumer reporting agency to which a record is disclosed under section 3711(f) of title 31 shall not be considered a contractor for the purposes of this section.

(n) Mailing lists

An individual's name and address may not be sold or rented by an agency unless such action is specifically authorized by law. This provision shall not be construed to require the withholding of names and addresses otherwise permitted to be made public.

(o) Report on new systems

Each agency shall provide adequate advance notice to Congress and the Office of Management and Budget of any proposal to establish or alter any system of records in order to permit an evaluation

of the probable or potential effect of such proposal on the privacy and other personal or property rights of individuals or the disclosure of information relating to such individuals, and its effect on the preservation of the constitutional principles of federalism and separation of powers.

(p) Annual report

The President shall annually submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report--

(1) describing the actions of the Director of the Office of Management and Budget pursuant to section 6 of the Privacy Act of 1974 during the preceding year;

(2) describing the exercise of individual rights of access and amendment under this section during such year;

(3) identifying changes in or additions to systems of records;

(4) containing such other information concerning administration of this section as may be necessary or useful to the Congress in reviewing the effectiveness of this section in carrying out the purposes of the Privacy Act of 1974.

(q)(1) Effect of other laws

No agency shall rely on any exemption contained in section 552 of this title to withhold from an individual any record which is otherwise accessible to such individual under the provisions of this section.

(2) No agency shall rely on any exemption in this section to withhold from an individual any record which is otherwise accessible to such individual under the provisions of section 552 of this title.

(Added Pub. L. 93-579, § 3, Dec. 31, 1974, 88 Stat. 1897, and amended Pub. L. 94-188, § 2(2), Dec. 31, 1975, 89 Stat. 1057; Pub. L. 97-365, § 2, Oct. 25, 1982, 96 Stat. 1749; Pub. L. 97-375, title II, § 201(a), (b), Dec. 21, 1982, 96 Stat. 1821; Pub. L. 97-452, § 2(a)(1), Jan. 12, 1983, 96 Stat. 2478; Pub. L. 98-477, Oct. 15, 1984, 98 Stat. 2211; Pub. L. 98-497, Oct. 19, 1984, 98 Stat. 2292.)

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