

CHAPTER 7. REPORTING REQUIREMENTS

7-1 INTRODUCTION. In addition to meeting the agency requirements in the Privacy Act, OMB Circular A-130 requires the head of each agency to ensure that the following reviews are conducted as specified below, and be prepared to report the results of such reviews and the corrective action taken to resolve problems uncovered to the Director, OMB. While the Privacy Act Officer will be responsible for performing the reviews and preparing the various reports, input will be required from the administrative and program areas, as needed.

7-2 Examples of Privacy Act Reviews Include:

- A. Section (m) Contracts. Every two years review a random sample of agency contracts that provide for the maintenance of a system of records on behalf of the agency to accomplish an agency function, in order to ensure that the wording of each contract makes the provisions of the Act binding on the contractor and his employees.
- B. Recordkeeping Practices. Annually review agency recordkeeping and disposal policies and practices in order to assure compliance with the Act, paying particular attention to the maintenance of automated records.
- C. Routine Use Disclosures. Every four years review the routine use disclosures associated with each system of records in order to ensure that the recipient's use of such records continues to be compatible with the purpose for which the disclosing agency collected the information.
- D. Exemption of Systems of Records. Every four years review each system of records for which the agency has promulgated exemption rules pursuant to Section (j) or (k) of the Act in order to determine whether such exemption is still needed.
- E. Matching Programs. Annually review each ongoing matching program in which the agency has participated during the year, either as a source or as a matching agency, in order to ensure that the requirements of the Act, the OMB guidance, and any agency regulations, operating instructions, or guidelines have been met.

- F. Privacy Act Training. Annually review agency training practices in order to ensure that all agency personnel are familiar with the requirements of the Act, with the agency's implementing regulation, and with any special requirements of their specific jobs.
- G. Violations. Annually review the actions of agency personnel that have resulted either in the agency being found civilly liable under Section (g) of the Act, or an employee being

found criminally liable under the provisions of Section (i) of the Act, in order to determine the extent of the problem and to find the most effective way to prevent recurrence of the problem.

- H. Annually review each system of records notice to ensure that it accurately describes, the system of records. Where minor changes are needed, e.g., the name of the system manager, ensure that an amended notice is published in the Federal Register. Agencies may choose to make one annual comprehensive publication consolidating such minor changes. This requirement is distinguished from and in addition to the requirement to report to OMB and Congress significant changes to systems of records and to publish those changes in the Federal Register. See chapter 4 for specific details relating to systems of records requirements.

7-3 Privacy Act Reports. In addition to the above reports, the Privacy Act requires agencies to make the following reports:

- A. Biennial Privacy Act Report. This report is submitted to OMB every two years. It includes the number of Privacy Act requests for access to records received during the calendar year, January 1 through December 31. It is important to remember that only requests for access to records under the Privacy Act should be counted. A request under the Privacy Act is a request which specifies the Privacy Act, or a request which does not specify the Privacy Act but was treated as if it did specify the Act.
- B. Biennial Matching Activity Report. The Privacy Act requires agencies to report to OMB every two years on its computer matching activities. At the end of each calendar year the Privacy Act Officer will require each program area that has participated in matches covered by the computer matching provisions of the Privacy Act to submit data summarizing that

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year's activity. The following data should be included in the report:

1. A listing of the names and positions of the members of the Data Integrity Board and showing separately the name of the Board Secretary, his agency mailing address, and telephone number. Also show and explain any changes in membership or structure occurring during the reporting year.
2. A listing of each matching program, by title and purpose, in which the agency participated during the reporting year. This listing should show names of participant agencies, give a brief description of the program, and give a citation including the date of the Federal Register notice describing the program.

3. For each matching program, an indication of whether the cost/benefit analysis performed resulted in a favorable ratio. The report should explain why the agency proceeded with any matching program for which an unfavorable ratio was reached.
 4. For each program which the Board waived a cost/benefit analysis, reasons for the waiver and the results of match, if tabulated.
 5. A description of each matching agreement the Board rejected and an explanation of why it was rejected.
 6. A listing of any violations of matching agreements that have been alleged or identified, and a discussion of any action taken.
 7. A discussion of any litigation involving the agency's participation in any matching program.
 8. For any litigation based on allegations of inaccurate records, an explanation of the steps the agency used to ensure the integrity of its data as well as the verification process it used in the matching program, including an assessment of the adequacy of each.
- C. New and Altered System of Records Report. The Act requires agencies to publish notices in the Federal Register describing new or altered systems of records, and to submit reports to OMB, and to submit reports to OMB, and to the Chair of the

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Committee on Government Operations of the House of Representatives. and the Chair of the Committee on Governmental Affairs of the Senate. The specific requirements pertaining to the report are found in paragraph 4-3 of this handbook.

- D. New or Altered Matching Program Report. The Act requires agencies to publish notices in the Federal Register describing new or altered matching programs, and to submit reports to OMB, and to Congress. The specific requirements pertaining to the report are found in Chapter 5 of this handbook.

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