

For the Record

Employee Guide to The
Freedom of Information Act
and The Privacy Act

YOUR RIGHTS AND RESPONSIBILITIES THE FREEDOM OF INFORMATION ACT

Responding to an FOIA Request

A records custodian must disclose all requested records or parts of records not subject to an exemption. He or she must:

- Follow the instructions in Handbook AS-353.
- Respond within 20 working days of receipt of the request. If unable to respond within the 20-day period, the records custodian must write an extension letter citing one of the reasons in Handbook AS-353 (see 4-3.7c). If the response can be made within 10 additional working days from the end of the response period, the letter should include the expected response date. If still unable to respond by the expected response date, give the requestor an opportunity to narrow the request and/or arrange a timeframe for processing.
- Provide a complete written response whether denying the request or disclosing the requested information. In processing a request, you must:
 - a. Locate *all* records that are responsive to the request, including electronic records and those in storage. If the Post Office receiving the request does not have the records, immediately send the request to the USPS FOIA Requester Service Center (see Handbook AS-353, section 4-3.1, and exhibit 4-3).
 - b. Disclose the requested records, if no exemption applies. The FOIA requires that parts of records be released if they are not exempt. If unsure about an exemption, contact field counsel, your designated FOIA Coordinator, or the USPS FOIA Requester Service Center.
 - c. Provide the records in the format requested, if they can be readily reproduced in that format.
 - d. Complete PS Form 8170, *Freedom of Information Act Request Report*, and send it to your designated FOIA Coordinator.

Note: If the Inspection Service originated the responsive records, then the Chief Postal Inspector or designee must authorize disclosure. If the Office of the Inspector General originated the responsive records, then the Inspector General or designee must authorize disclosure.

Denying an FOIA Request

When denying a request, the records custodian must write a letter containing:

- A statement of the reason for the denial.
- A citation to the exemptions (see Handbook AS-353, sections 4-5.1–4-5.9), applied in making the denial.
- An estimate of the number of pages or records withheld, if providing such estimate would not harm an interest protected by an exemption.
- A statement to inform the requestor of the right to appeal the denial (see Handbook AS-353, section 4-3.6).

Alerting Other Postal Service Personnel

Upon written request, anyone is entitled to see records that are not exempt, no matter who requests the information or how the records will be used. In responding to a request, be sure to:

- Contact media relations if the news media requests information.
- Contact field counsel if an attorney representing a party in actual or prospective litigation with the Postal Service requests information.

Calculating Fees

Use Handbook AS-353, section 4-6 to calculate fees. Whether fees may be assessed for search, review, and duplication depends on the category of the requestor and the number of pages involved. Advance notice and advance payment of costs depend on the amount of estimated costs.

YOUR RIGHTS AND RESPONSIBILITIES THE PRIVACY ACT

Knowing Your Rights

An individual has a right to request and see records the Postal Service has about him or her (with a few exceptions in Handbook AS-353). See Appendix – section D-3.

If an individual can show that the records are inaccurate, irrelevant, untimely, or incomplete, then he or she has a right to request that the Postal Service amend the records.

Responding to a Privacy Act Request

To respond to a Privacy Act request, a records custodian must:

- Follow the instructions in Handbook AS-353.
- Disclose records within a system of records to a requesting records subject, except in the situations in Handbook AS-353 (see section 3-4.1b(7)).

- Avoid disclosing information that is protected by the Privacy Act to an external third party, including a spouse, unless one of the following statements is true:
 - a. The records subject has given written consent.
 - b. Routine use authority exists (see Handbook AS-353, Appendix – section D).
 - c. A situation in Handbook AS-353, Appendix – section D-1 is met.
- Maintain records about any external disclosures made.
- Charge only for duplication costs in excess of 100 pages when giving copies to a records subject.

Other Privacy Act Requirements

Under the Privacy Act an employee must:

- Avoid disclosing information that is protected by the Privacy Act to an internal party (another postal employee) unless the person has an official need to know.
- Safeguard records in a way that prevents unauthorized access. For example:
 - a. Keep records that are protected by the Privacy Act in a restricted area.
 - b. Protect electronic information about individuals by using password access and by not leaving information on computer screens.
 - c. Minimize the inclusion of sensitive information in communications, such as emails.
 - d. Keep paper records in locked containers.
 - e. Dispose of paper records by shredding them and electronic records by erasing or degaussing them.
 - f. Do not discuss protected information in public areas or with another employee who does not have a need to know.
- If originating a form that collects information about an individual and the form is to be completed or signed by that individual, contact the Privacy Office. The form may need a Privacy Act statement.
- When collecting records that are personally identifiable, ensure that the records are covered by a system of records *before they are collected*. See Handbook AS-353 – Appendix or call the Privacy Office if you need assistance.
- Check with field counsel before responding to a subpoena or court order requiring disclosure of records covered by the Privacy Act.

COMPARING THE ACTS

FEATURES	FREEDOM OF INFORMATION ACT	PRIVACY ACT
Purpose	To keep the public informed about what our government is doing.	To balance the government's need to know and the individual's right to privacy.
Nature of Statute	A law that requires an agency to disclose upon written request any record that is not covered by an exemption.	A law that gives individuals a right of access to their own records and imposes fair record-keeping requirements on federal agencies.
Coverage	All agency records.	All agency records covered by a Privacy Act system of records (a group of records kept about individuals and retrieved by a personal identifier). See Handbook AS-353, <i>Guide to Privacy, the Freedom of Information Act, and Records Management</i> .
Cite for Laws	5 U.S.C. 552	5 U.S.C. 552a
Cite for Postal Service Regulations	Title 39, Code of Federal Regulations, Part 265, and Handbook AS-353, <i>Guide to Privacy, the Freedom of Information Act, and Records Management</i> .	Title 39, Code of Federal Regulations, Part 266, and Handbook AS-353, <i>Guide to Privacy, the Freedom of Information Act, and Records Management</i> .
Post Offices: Use Handbook AS-353.		

NEED HELP?

Consult:

- Handbook AS-353, *Guide to Privacy, the Freedom of Information Act, and Records Management* (<http://www.usps.com/cpim/ftp/hand/as353/welcome.htm>).
- <http://blue.usps.gov/caweb/privacy/records/welcome.htm>
- www.usps.com/foia

Questions About General Procedure?

Call your designated FOIA Coordinator, or the FOIA Hotline at 202-268-2608. Or visit http://blue.usps.gov/caweb/privacy/records/foia_resources.htm

Questions About Releasing A Document?

Call field counsel, the FOIA Coordinator, or the FOIA Hotline at 202-268-2608.