

What is a Privacy Act Statement?

The Privacy Act of 1974, 5 USC 552a, provides protection to individuals by ensuring that personal information collected by Federal agencies is limited to that which is legally authorized and necessary and is maintained in a manner which precludes unwarranted intrusions upon individual privacy. Pursuant to 5 U.S.C. §552a (e) (3) agencies are required to provide what is commonly referred to as a Privacy Act Statement, on a form or a Web site, to all persons asked to provide personal information about themselves, which will go into a system of records (i.e., the information will be stored and retrieved using the individual's name or other personal identifier such as a Social Security Number).

Department of Commerce (DOC) policy is to provide a Privacy Act Statement regardless of whether the collection is part of a system of records or not. All Privacy Act statements must be reviewed by the Privacy Office/PRA Clearance Officer, who will also provide examples.

When drafting a Privacy Act Statement for review by the PRA Clearance Officer, include the following elements:

- **Authority:** The legal authority for collecting the information – statute, executive order, regulation.
- **Purpose:** The purpose(s) for collecting the information and how it will be used.
- **Routine Uses:** To whom the information may be disclosed and for what purposes.
- **Disclosure: Mandatory or Voluntary:** Whether providing the information is mandatory or voluntary. The effects, if any, of not providing the information – for example the loss or denial of a privilege, benefit, or entitlement sought as a consequence of not furnishing the requested information.