

**PRIVACY ACT
FREEDOM OF INFORMATION ACT
INTERFACE**

BASIC DIFFERENCES

FOIA - ANY "PERSON" CAN SEEK ACCESS

**PA - ONLY U.S. CITIZENS AND LEGALLY ADMITTED ALIENS
CAN SEEK ACCESS**

FOIA - PERTAINS TO AGENCY RECORDS

**PA - PERTAINS TO RECORDS MAINTAINED IN A "SYSTEM OF
RECORDS" THAT IS RETRIEVED BY AN INDIVIDUAL'S NAME
OR OTHER PERSONAL IDENTIFIER**

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FOIA - 20 WORKING DAYS TO RESPOND

**PA - 10 WORKING DAYS TO RESPOND/
30 CALENDAR DAYS TO RESPOND**

**FOIA - FEES BASED ON CATEGORIES OF REQUESTERS/
FEES CAN BE CHARGED FOR SEARCH, REVIEW, AND
REPRODUCTION**

**PA - FEES CAN BE CHARGED FOR DUPLICATION ONLY/
FEES GENERALLY WAIVED**

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REQUESTERS

PROCESS UNDER PROVISIONS OF THE PRIVACY ACT WHEN --

- THE REQUEST IS FROM A FIRST PARTY**
- THE REQUESTER CITES ONLY THE PRIVACY ACT**
- THE REQUESTED RECORDS ARE MAINTAINED IN A NON-EXEMPT PA SYSTEMS OF RECORDS**

PROCESS UNDER PROVISIONS OF THE PRIVACY ACT AND THE FREEDOM OF INFORMATION ACT WHEN --

- THE REQUEST IS FROM A FIRST PARTY**
- THE REQUESTER CITES ONLY THE PRIVACY ACT**
- THE REQUESTED DOCUMENTS ARE MAINTAINED IN AN EXEMPT PA SYSTEMS OF RECORDS**

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**PROCESS UNDER PROVISIONS OF THE PRIVACY ACT AND THE
FREEDOM OF INFORMATION ACT WHEN --**

- THE REQUEST IS FROM A FIRST PARTY**
- THE REQUESTER CITES BOTH THE PRIVACY ACT AND THE FOIA OR MAKES NO REFERENCE TO EITHER STATUTE**
- THE REQUESTED DOCUMENTS ARE MAINTAINED IN A NON-EXEMPT OR AN EXEMPT PA SYSTEMS OF RECORDS**

PROCESS UNDER PROVISIONS OF THE FREEDOM OF INFORMATION ACT WHEN --

- THE REQUEST IS FROM A THIRD PARTY**
- THE REQUESTED DOCUMENTS ARE MAINTAINED IN EITHER A NON-EXEMPT OR AN EXEMPT PA SYSTEMS**

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PROCESS UNDER PROVISIONS OF THE FREEDOM OF INFORMATION ACT WHEN --

- THE REQUEST IS FROM A FIRST PARTY**
- THE REQUESTER CITES THE PRIVACY ACT, THE FOIA, BOTH STATUTES, OR NO STATUTE**
- THE REQUESTED DOCUMENTS ARE NOT MAINTAINED IN A PA SYSTEMS OF RECORDS**

PROCESS UNDER PROVISIONS OF THE FREEDOM OF INFORMATION ACT WHEN --

- THE REQUEST IS FROM A THIRD PARTY**
- THE REQUESTER CITES THE PRIVACY ACT, THE FOIA, BOTH STATUTES, OR NO STATUTE**
- THE REQUESTED DOCUMENTS ARE NOT MAINTAINED IN A PA SYSTEMS OF RECORDS**

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MULTI-FACETED REQUESTS

HOW DO YOU PROCEED WITH A REQUEST FROM A FIRST PARTY WHO REQUESTS DOCUMENTS, SOME OF WHICH ARE CONTAINED IN PA SYSTEMS OF RECORDS, SOME OF WHICH ARE NOT?

-- IDENTIFY THOSE RESPONSIVE DOCUMENTS WHICH ARE ABOUT THE REQUESTER AND MAINTAINED IN A NON-EXEMPT PRIVACY ACT SYSTEM OF RECORDS. PROCESS UNDER PROVISIONS OF THE PRIVACY ACT AND RELEASE TO THE REQUESTER IN FULL.

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-- IDENTIFY THOSE RESPONSIVE DOCUMENTS WHICH ARE ABOUT THE REQUESTER AND MAINTAINED IN AN EXEMPT PRIVACY ACT SYSTEM OF RECORDS. DENY UNDER PRIVACY ACT CITING TO EXEMPTION, PROCESS UNDER PROVISIONS OF THE FOIA AND RELEASE TO THE REQUESTER THE MAXIMUM AVAILABLE TO HIM UNDER BOTH ACTS.

-- PROCESS REMAINING RESPONSIVE DOCUMENTS UNDER PROVISIONS OF THE FOIA.

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PERSONAL RECORDS VS AGENCY RECORDS

PERSONAL RECORDS:

**-- ARE CREATED AND MAINTAINED PRIMARILY FOR THE
CONVENIENCE OF THE EMPLOYEE (IE, MEMORY JOGGER)**

**-- ARE NOT REQUIRED TO BE CREATED BY THE
AGENCY/ACTIVITY**

-- HAVE NO RETENTION REQUIREMENTS

**-- ARE NOT DISTRIBUTED OR SHOWN TO OTHER
AGENCY/ACTIVITY EMPLOYEES**

-- ARE NOT FILED IN AGENCY/ACTIVITY FILES

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AGENCY RECORDS:

-- ARE THE PRODUCTS OF DATA COMPILATION BY THE AGENCY/ACTIVITY (IE, BOOKS, PAPERS, MAPS, PHOTOGRAPHS, OR OTHER DOCUMENTARY MATERIALS, REGARDLESS OF FORM OR FORMAT)

-- ARE CREATED OR RECEIVED BY THE AGENCY/ACTIVITY UNDER FEDERAL LAW OR WITH THE TRANSACTION OF PUBLIC BUSINESS

-- IN POSSESSION AND/OR CONTROL OF THE AGENCY/ACTIVITY AT TIME OF REQUEST