



Forum Guide to Staff Records Relevant Federal Laws

This document provides an overview of two important federal laws that govern the records maintained by *federal* agencies. All information was obtained from the cited websites. Many states have adopted similar laws, regulations, and policies, but it is important to note that state Freedom of Information Act (FOIA) or privacy laws may not include the same exemptions as the federal statutes. It is an agency's responsibility to proactively review and understand the implications of all applicable federal, state, and local legislation.

Freedom of Information Act

(<https://www.foia.gov/about.html>)

FOIA provides the public the right to request access to records from any federal agency. It is often described as the law that keeps citizens in the know about their government. Federal agencies are required to disclose any information requested under FOIA unless it falls under one of nine exemptions which protect interests such as personal privacy, national security, and law enforcement.

Privacy Act of 1974, 5 U.S.C. § 552a

(<https://it.ojp.gov/PrivacyLiberty/authorities/statutes/1279>)

The purpose of the Privacy Act is to balance the government's need to maintain information about individuals with the rights of individuals to be protected against unwarranted invasions of their privacy stemming from federal agencies' collection, maintenance, use, and disclosure of personal information about them. The act focuses on four basic policy objectives:

1. To restrict disclosure of personally identifiable records maintained by agencies.
2. To grant individuals increased rights of access to agency records maintained on them.
3. To grant individuals the right to seek amendment of agency records maintained on themselves upon a showing that the records are not accurate, relevant, timely, or complete.
4. To establish a code of "fair information practices" which required agencies to comply with statutory norms for collection, maintenance, and dissemination of records.

The Privacy Act was amended by the Computer Matching and Privacy Act of 1988 to address the use of records in automated matching programs.