

Part 408 – Records

Subpart C – Freedom of Information Act and Privacy Act

ME 408.44 Privacy Act of 1974

A. The Privacy Act of 1974 addresses records containing personal information about individuals. The act requires that when a Federal agency maintains records on an individual, the records must be maintained in a Privacy Act System of Records, which is approved by the Office of Management and Budget and published in the Federal Register. NRCS has systems of records for its cooperator files, volunteers, and employees. Employees whose duties require handling records in these systems must, at all times, protect the integrity, security, and confidentiality of these records. Employees must exercise care in order that they not inadvertently disclose information and violate the Act by discussing cases in public or private with employees, families, friends or others who have no need to know. Keep all private information in secure storage when not in use during office hours.

B. All discussions of landowner requests for plans and any applications, including signing of contracts, for NRCS programs are covered by the Privacy Act of 1974, Section 1619(b) of the Food, Conservation and Energy Act of 2008, and are subject to provisions of the Freedom of Information Act, 5 U.S.C. 552. Consequently, open discussions of specific-named individuals and their conservation requests cannot be conducted in general Conservation District board meetings without the landowner's consent. Such meetings are open to the public and meeting minutes are subsequently made public. Without landowner permission, all such discussions must be conducted anonymously through use of coded data. A different option is to go into executive session if allowed by state law. The minutes of executive sessions are not made available to the public.

C. All NRCS partner agencies that share responsibilities for conservation program actions with landowners are required to sign the **NRCS /USDA ACKNOWLEDGEMENT OF SECTION 1619 COMPLIANCE** (attached Exhibit). This acknowledgement replaces former requirements for separate agreements for each partner employee or member.

D. If a landowner requests that NRCS work with and/or provide case file information to employees of regulatory or non-regulatory agencies or TSPs to support a conservation contract-related request, the [Authorization for Release of Information](#) must be signed by the program applicant/participant and the landowner (if different from the program participant).

E. Third party requests for information that is an agency record, must be requested through State FOIA offices.