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POSTAL RATE COMMISSION

OFFICE OF THE SECRETARY

ORDER NO. 1269

UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
WASHINGTON, DC 20268-0001

Before Commissioners: Edward J. Gleiman, Chairman;  
George A. Omas, Vice Chairman;  
Dana B. Covington, Sr.; Ruth Y. Goldway;  
and W.H. "Trey" LeBlanc III

Amendments to Privacy Act Rules and Record System      Docket No. RM99-4

ORDER ADOPTING PRIVACY ACT RULES CHANGES

(October 8, 1999)

The Commission hereby adopts as a final rule the revisions to its rules implementing the Privacy Act described and identified in the attachment to this order. The rules appear in 39 CFR Part 3003. The revisions, which were the subject of Commission Order No. 1256, were previously published at 64 FR 49120.

It is ordered:

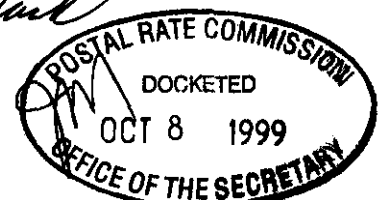
1. The Commission adopts the revisions identified in the attachment to this order as a final rule implementing the Privacy Act, effective 30 days following publication in the *Federal Register*.
2. The Secretary shall cause this order to be published in the *Federal Register*, in accordance with applicable regulations.

By the Commission.

(SEAL)



Cyril J. Pittack  
Acting Secretary



## Amendments to Privacy Act Rules

*Introduction.* In Order No. 1256 (published at 64 FR 49120 on September 10, 1999), the Commission proposed revisions to its rules implementing the Privacy Act of 1974 (39 CFR Part 3003). The proposed revisions clarify application of the rules and shorten and simplify the text. The Commission invited comments on its proposal, but no comments have been received.

*The Commission has reviewed its initial proposal, and has determined that adoption of the revisions as previously published is appropriate. Part I of this attachment explains the changes. Part II summarizes the effect of the changes on organization of the rules. Part III sets out the final rules.*

### **Part I — Background**

The Commission's rules implementing the Privacy Act have been amended only in minor respects since their original adoption shortly after the passage of the Act in 1974. The current rules have operated adequately, but it is apparent on review that they are capable of both substantive and editorial improvement. Accordingly, the Commission adopts a redrafted set of rules to replace those currently contained in part 3003.

The substantive changes in the final rule conform them more closely to prevailing standards of Privacy Act administration without altering the rights of individuals or the obligations of the Commission under the Act. The special procedure for access to medical records contained in current § 3003.6, under which access to such records is contingent on the judgment of the Commission's chief administrative officer, is eliminated in favor of the general access provision in § 3003.4. Section 3003.2 eliminates some unnecessary definitions, links others to the text of the Privacy Act, and rewords other definitions slightly for the sake of clarity. Also for clarification, § 3003.1 adds a statement indicating that the Commission's Privacy Act rules are not intended either to broaden or narrow the scope of an individual's rights afforded by the Act.

The final rules alter the substance of the current rules pertaining to requests for individual records and appeals of denials only in minor ways, but they appreciably shorten and simplify the provisions. Language that does not relate directly to the exercise of rights by individuals under the Privacy Act, and thus is unnecessary, is not included in the final rules. Additionally, the language of the current rules is generally simplified and shortened without affecting individuals' exercise of their rights or the Commission's performance of its obligations under the Privacy Act.

## **Part II — Effect on Organization of the Commission's Rules**

The set of revisions adopted here operated as a complete replacement for the existing rules.

## **Part III — Final Rule**

For the reasons discussed in Part I of this attachment, the Commission revises 39 CFR Part 3003 as follows:

### **PART 3003 – PRIVACY ACT RULES**

#### **Sec.**

3003.1 Purpose and scope.

3003.2 Definitions.

3003.3 Procedures for requesting inspection, copying, or correction.

3003.4 Response to a request.

3003.5 Appeals of denials of access or amendment.

3003.6 Fees.

3003.7 Exemptions.

Authority: Privacy Act of 1974 (Pub. L. 93-579), 5 U.S.C. 552a.

#### **§ 3003.1 Purpose and scope.**

This part implements the Privacy Act of 1974 (5 U.S.C. 552a) by establishing Commission policies and procedures that permit individuals to obtain access to and request amendment of information about themselves that is maintained in systems of records. This part does not expand or restrict any rights granted under the Privacy Act of 1974.

§ 3003.2 Definitions.

For purposes of this part:

(a) *Commission* means the Postal Rate Commission.

(b) *Individual, record, and system of records* have the meanings specified in 5 U.S.C. 552a(a).

(c) *Day* means a calendar day and does not include Saturdays, Sundays, and legal holidays.

§ 3003.3 Procedures for requesting inspection, copying, or correction.

(a) An individual who —

(1) Wishes to know whether a Commission system of records contains a record about him or her,

(2) Seeks access to a Commission record about him or her that is maintained in a system of records (including the accounting of disclosures), or

(3) Seeks to amend a record about him or her that is maintained in a system of records, may file a written request with the chief administrative officer of the Commission at the Commission's current address (1333 H Street NW, Suite 300, Washington, DC 20268-0001). The request should state on the outside of the envelope and in the request that it is a Privacy Act request.

(b) A request for amendment must describe the information sought to be amended and the specific reasons for the amendment.

(c) A requester —

(1) May request an appointment to inspect records at the Commission's offices between the hours of 8 a.m. and 4:30 p.m. on any day;

(2) Must present suitable identification, such as a driver's license, employee identification card, or Medicare card;

(3) If accompanied by another individual, must sign a statement, if requested by the chief administrative officer, authorizing discussion of his or her record in the presence of that individual;

(4) Who files a request by mail must include his or her date of birth, dates of employment at the Commission (if applicable), and suitable proof of identity, such as a facsimile of a driver's license, employee identification card, or Medicare card; and

(5) Must, if requested by the chief administrative officer, provide additional proof of identification.

§ 3003.4 Response to a request.

(a) In the case of a request for notice of the existence of a record, the chief administrative officer shall respond within 10 days of receipt of a request and shall inform the individual whether a system of records maintained by the Commission contains such a record.

(b) In the case of a request for access to a record or for a copy of a record, the chief administrative officer shall acknowledge the request within 10 days and shall promptly thereafter —

(1) Fulfill the request by mail or arrange for an inspection by the requester in the Commission's offices; or

(2) If the request is denied, notify the requester of the denial, the reasons for the denial, the procedures for appealing the refusal, and the name and address of the Chairman of the Commission who will consider an appeal.

(c) In the case of a request for amendment, the chief administrative officer shall

(1) Acknowledge the request in writing within 10 days;

(2) Promptly review the record; and

(3)(i) Make any requested amendment of a record found to be not accurate, relevant, timely, or complete; notify the requester of the change and provide a copy of the corrected record; and notify any previous recipient of the record (excluding Commission staff who obtained the record in the performance of their duties and recipients under the Freedom of Information Act) of any change; or

(ii) Inform the requester of a refusal to amend the record, the reasons for the refusal, the procedures for appealing the refusal, and the name and address of the Chairman of the Commission who will consider an appeal.

§ 3003.5 Appeals of denials of access or amendment.

(a) If a request for access to or amendment of a record is denied, the requester may file a written appeal with the Chairman of the Commission. The Chairman will decide each appeal within 30 days of receipt unless the Chairman has, for good cause, extended the period for another 30 days.

(b) If an appeal is denied, the requester will be notified of the decision, the reasons for the denial, the right to file a concise statement of disagreement, the procedures for filing a statement of disagreement, the subsequent uses of a statement of disagreement, and of the right to seek judicial review in accordance with subsection (g) of the Privacy Act.

§ 3003.6 Fees.

The first copy of any record furnished under the Privacy Act of 1974 will be provided without charge. Additional copies will be charged at the cost of reproduction.

§ 3003.7 Exemptions.

The Postal Rate Commission has not established any exempt system of records.