

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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Instruction Memorandum No. NV-2003-010

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To: BLM Employees, Nevada

From: Associate State Director, Nevada

Subject: Protection of Privacy Act Records - Nevada Policy

The Privacy Act of 1974 was established to provide certain safeguards for ensuring the security and confidentiality of records maintained by Federal Agencies. The BLM is required to establish appropriate administrative, technical and physical safeguards against any anticipated threats or hazards to their security or integrity that could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom we maintain information (5 U.S.C. 552a(e)(10)). The Privacy Act defines a "system of records" as a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbols, or other identifiers assigned to the individual (5 U.S.C. 552a(e)(4)).

Examples of documents that would be considered Privacy Act records are payroll, attendance, medical history, an individuals employment history, retirement, and leave records. These types of documents should always be in a sealed blue envelope marked personal/confidential when delivered to an individual. Grazing Files and Mining Claim Recordation Files are other examples of Privacy Act Records. The Electronic Records Management for E-Mail Course 1270-04 <http://www.ntc.gov> is a mandatory course that will assist you in managing your electronic records. It will help you in determining the differences between a record from a nonrecord. At this time the Bureau does not have an authorized electronic recordkeeping system in place; therefore, when you have an electronic record, you **must** print and file the transmittal data and all the electronic paperwork and send to Central Records for filing or storing in the appropriate case file.

1. To determine whether a specific BLM record is subject to the Privacy Act, refer to BLM Manual Section 1220 - Records and Information Management Appendix 2, the GRS/BLM Records Schedule <http://www.blm.gov/nhp/records/blm.grs/privacy.html> Section C: Privacy Act

System Notices, lists all of the Bureau of Land Management notices. If you maintain records subject to the Privacy Act, and they are not on the list, please notify the State Records Administrator, Mike Jones or the State Records Manager, Joanne Woodruff immediately so they can notify the proper authority to add that record to the list.

Maintaining the Privacy Act records in manual form, requires a BLM form (S-137) to be displayed on your cabinet(s) as a warning that access to these records is limited to authorized personnel only. This warning also states that the Privacy Act contains a criminal penalty for the unauthorized disclosure of the records to which it applies. Records Managers must ensure this sign is placed on all cabinets and on doors of rooms that contain records subject to the Privacy Act. As the Records Managers conduct their annual Records Inventory they will have these forms on hand for you. They are stocked in the forms area in the Nevada State Office and also in the Field Offices' designated forms area.

During working hours, authorized personnel must occupy the area where we maintain or regularly use the Privacy Act records or restrict their storage in locked metal file cabinets or a locked room. During nonworking hours, store them in locked metal file cabinets or a locked room. Where the locked room is the system of security, change the lock or locks so they may not be opened with a master key. A master key opens rooms other than the room containing the Privacy Act records. Where the locked room contains records accessible by unauthorized individuals, separate the records by system into individual locked file cabinets.

When we maintain the Privacy Act records in computerized form, they are subject to safeguards based on those recommended in the National Bureau of Standards booklet entitled "Computer Security Guidelines for Implementing the Privacy Act of 1974" (May 30, 1975), and any supplements, that are adequate and appropriate to ensure the integrity of the records in the system.

If your duties require handling records subject to the Privacy Act, **you must always take care to protect the integrity, security, and confidentiality of these records**. Disclosure of Privacy Act records is permitted to officers or employees who need the record in the performance of their duties or required by the Freedom of Information Act (FOIA), 5 U.S.C. 552. In Nevada, disclosure is to the manager, supervisor, an employee that wants to view their own record and to those employees who use the records in the performance of your duties. Specific exceptions to this prohibition are found in 43 CFR 2.56, Disclosure of Records.

All employees who access Privacy Act records must take care to protect the integrity, security, and confidentiality of records subject to the Act. You may direct any questions you may have by phone or e-mail to the State Records Administrator Mike Jones at (775) 861-6524 or the State Records Manager, Joanne Woodruff at (775) 861-6461.

Signed by:
Jean Rivers-Council
Associate State Director

Authenticated by:
Jeanne Jenkins
Staff Assistant