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# NASA Procedural Requirements

**COMPLIANCE IS MANDATORY**

**NPR 1382.1**

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Request Notification of Change (NASA Only)

## **Subject: NASA Privacy Procedural**

**Responsible Office: Office of the Chief Information Officer**

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## **Chapter 5. Privacy Act Systems of Records**

### **5.1 General**

This chapter, together with 14 CFR 1212, provides specific requirements for the management of Privacy Act SORs throughout their life cycles. Further guidance for implementing these requirements may be found in Appendix H. Because the Privacy Act specifically refers to PII contained in SORs as Privacy Act "records," this chapter uses the term "records" as defined by the Privacy Act.

### **5.2 Creating or Modifying a Privacy Act SOR**

5.2.1 The Center PAM shall manage the process for creating, amending, or deleting an authorized SOR at his/her Center. The PAM should ensure that no appropriate existing NASA or Government-wide SOR exists prior to initiating a new SORN.

5.2.2 When developing or modifying a Privacy Act SOR and prior to any collection or new use of information in such a system, the system owner (called "system manager" in this chapter in accordance with the Privacy Act and 14 CFR 1212) shall, in coordination with his/her Center PAM, draft a SORN for publication in the Federal Register and provide it to the Privacy Act Officer. While details on this process may be found in Appendix H and an annotated SOR template is available on the NASA OCIO Privacy Web site, the basic required elements of a SORN include:

- a. The name and location of the system.
- b. The categories of individuals on whom records are maintained in the system.
- c. The categories of records maintained in the system.
- d. The authority for maintenance of the system.
- e. Each routine use of records contained in the system, including the categories of users and the purpose of such use.
- f. Policies and practices regarding the storage, retrievability, access controls, and retention and disposal of the records.

- g. System manager(s) and address(es).
- h. Agency procedures whereby an individual may request information as to whether the system records pertain to him/her.
- i. Agency procedures whereby an individual can request access to any record pertaining to him/her that is contained in the SOR and the process for contesting its content.
- j. The categories of sources of records in the system.

5.2.3 The Privacy Act Officer shall review the draft notice and coordinate the Headquarters review and the NASA CIO's signature for submittal to the Federal Register for publication through the NASA Federal Register Liaison Officer.

## **5.3 Collecting Information for a Privacy Act SOR**

5.3.1 The system manager shall ensure that information on individuals that is collected and maintained in a SOR is done so in accordance with 14 CFR 1212. Particular care should be taken to avoid the collection of social security numbers (SSNs), in accordance with NPD 1382.17G, unless required by statute or some other requirement mandating the use of SSNs.

5.3.2 System managers shall ensure that individuals who are asked to provide information to be maintained in a Privacy Act SOR are first presented with a Privacy Act Statement, either on the information collection sheet or screen or via a separate sheet or screen that the individuals can print and retain. Such a statement must comply with the requirements outlined in 14 CFR 1212.602, and individuals must be able to retain a hard copy of the Privacy Act Statement. Appendix H provides guidance on possible methods of providing a Privacy Act Statement under different collection circumstances.

5.3.3 System managers shall ensure that new NASA forms or Center forms created for the collection of SOR information also provide the Privacy Act statement for that SOR.

## **5.4 Using Privacy Act Records**

5.4.1 For electronic systems containing records with Privacy Act information, system managers shall ensure that a system notification is provided to anyone entering the system. The notice must explain that records in the system are subject to the Privacy Act and that it is illegal to willfully disclose information to individuals not entitled to it. A sample of this notice is contained in figure 5.1.

5.4.2 Employees shall limit disclosure of information concerning individuals from a SOR in accordance with 14 CFR 1212 or with routine uses of the records as published in the SORN. Employees may be subject to criminal penalties for willful and intentional violations of the Privacy Act.

5.4.3 System managers shall control disclosures from their SOR and maintain accountings of all disclosures of information in accordance with 14 CFR 1212.203.

**THESE ELECTRONIC RECORDS ARE SUBJECT TO  
THE PRIVACY ACT OF 1974, AS AMENDED**

**ATTENTION**

WHEN NOT UNDER THE CONTINUING CONTROL AND SUPERVISION OF A PERSON AUTHORIZED ACCESS TO SUCH MATERIAL, IT MUST BE, AT A MINIMUM, MAINTAINED IN A CLOSED PASSWORD CONTROLLED SYSTEM.

**! WARNING – CRIMINAL PENALTIES !**

Disclosure of agency records that contain individually identifiable information is prohibited. Any officer or employee of the agency, who by virtue of his/her official position, has possession of, or access to, agency records which contain personal data subject to the Privacy Act who willfully discloses it in any manner to any person or agency NOT entitled to receive it, shall be guilty of a misdemeanor and fined not more than \$5,000.  
(5 U.S.C. 5 52a (j)(1))

Any person who willfully maintains a system of records without meeting the Notice Requirements of the Subsection (e)(4) of the Privacy Act shall be guilty of a misdemeanor and fined not more than \$5,000.  
(5 U.S.C. 552a(j)(2))

Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000.  
(5 U.S.C. 5 52a(j)(3))

No record that is contained in a system of records may be disclosed to a recipient agency or non-Federal agency for use in a computer program except pursuant to a written agreement between the source agency and the recipient agency or non-Federal agency.  
(5 U.S.C. 5 52a(o))

**Continue**

**Figure 5.1 Privacy Act Statement**

5.4.4 When transmitting material subject to the Privacy Act, employees shall perform the following actions:

- a. In hard copy format, include a watermark "NASA Privacy Information, Protect Accordingly" on each individual page and cover the material with NASA Form (NF) 1532, Privacy Act Cover Sheet.
- b. In electronic format, encrypt in accordance with NPR 1600.1.

5.4.5 The NASA CIO shall establish a Data Integrity Board in accordance with the Privacy Act before any system manager may engage in a computer matching program as defined by the Privacy Act. The Data Integrity Board will approve, oversee, and coordinate the matching program.

5.4.6 Prior to the establishment or revision of a matching program, the system manager of the SOR involved shall prepare a SORN, to be coordinated by the Privacy Act Officer, for publication in the Federal Register at least 30 days in advance in accordance with the PA.

## **5.5 Maintaining and Disposing of Privacy Act Records**

5.5.1 System managers shall ensure that records are maintained in accordance with 14

## CFR 1212.

5.5.2 System managers shall ensure the development and documentation of administrative, technical, and physical safeguards that protect against any anticipated threats or hazards to the security or integrity of records and against their unauthorized use.

5.5.3 The system manager shall ensure that persons involved in the design, development, operation, or maintenance of any SOR, or in the maintenance of any record in any SOR, are trained in the requirements regarding the protection, use, and release of such records.

5.5.4 System managers shall ensure the implementation of procedures to dispose of system records only in accordance with applicable approved retention schedules contained in the NASA Records Retention Schedules (NRRS) and the NPR 1600.1 procedures for disposing of SBU information.

When NASA provides by contract for the operation of an SOR on behalf of the Agency, the contractor is subject to all requirements of the Privacy Act and this chapter. The system manager shall ensure that the contract:

- a. States that the Privacy Act applies.
- b. Includes appropriate FAR citations from FAR 52.224.

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