

CHAPTER IV—ADVISORY COMMITTEE ON FEDERAL PAY

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PART 1410—RULES AND REGULATIONS TO IMPLEMENT THE PRIVACY ACT OF 1974

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AUTHORITY: Pub. L. 93-579; 5 U.S.C. 552a.

SOURCE: 42 FR 2299, Jan. 11, 1977, unless otherwise noted.

§ 1410.1 Purpose and scope.

The purposes of these regulations are to:

- (a) Establish a procedure by which an individual can determine if the Advisory Committee on Federal Pay (hereafter known as the Committee) maintains a system of records which includes a record pertaining to the individual; and
- (b) Establish a procedure by which an individual can gain access to a record pertaining to him or her for the purpose of review, amendment and/or correction.

§ 1410.2 Definitions.

For the purpose of these regulations—

- (a) The term *individual* means a citizen of the United States or an alien lawfully admitted for permanent residence;
- (b) The term *maintain* includes maintain, collect, use or disseminate;
- (c) The term *record* means any item, collection or grouping of information about an individual that is maintained by the Committee, including but not

limited to, his or her employment history, payroll information, and financial transactions and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as social security number;

(d) The term *system of records* means a group of any records under the control of the Committee from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual; and

(e) The term *routine use* means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 1410.3 Procedures for access of an individual to his or her own records in a record system.

An individual shall submit a request to the Administrative Assistant of the Committee, Suite 205, 1730 K Street NW., Washington, DC 20006, in person or in writing, to determine if a system of records named by the individual contains a record pertaining to the individual, or if the Committee maintains any systems of records which pertain to the individual. The individual shall submit a request to the Administrative Assistant of the Committee which states the individual's desire to review his or her record. Individuals who require assistance in identifying systems of record, or in preparing requests identifying systems of record for access, or who need assistance in requesting amendments, may address such requests to the Administrative Assistant of the Committee, Suite 205, 1730 K Street NW., Washington, DC 20006.

§ 1410.4 Times, places and requirements for the identification of the individual making a request.

An individual making a request to the Administrative Assistant of the Committee pursuant to § 1410.3 shall present the request at the Committee offices, Suite 205, 1730 K Street NW., Washington, DC 20006, on any business day between the hours of 8:15 a.m. and 4:45 p.m., or in writing. The individual submitting the request should present

himself or herself at the Committee's offices with a form of identification which will permit the Committee to verify that the individual is the same individual as contained in the record requested, such as a valid driver's permit, employee identification card, or Medicare card, or a signed statement from the individual asserting his or her identity and stipulating that he or she understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to \$5,000. If the individual seeks access by mail, the Committee will require similar identification as required of those persons requesting access to records in person, or by identifying data such as name, date of birth, or system personal identifier (if known to the individual). Requests for access to systems of record will be acknowledged within ten days of receipt. The acknowledgement will indicate whether or not access can be granted and, if so, that it will be within a 30-day period unless, for good cause shown, the Committee is unable to do so.

§ 1410.5 Grant to an individual of access to his or her own records.

Upon verification of identity either in person or in written form to the Administrative Assistant of the Committee, Suite 205, 1730 K Street NW., Washington, DC 20006, and in accordance with the identification provisions of § 1410.4, the Committee shall grant access to the individual the information contained in the record which pertains to that individual. The individual may be accompanied for the purpose by a person of his or her choosing. Upon request of the individual to whom the record pertains, all information in the accounting of disclosures will be made available. If, for any unforeseen circumstances, or in an unusual situation when it may be necessary to deny a person access, the individual will be advised of the reasons therefor, and his or her right to judicial review under 5 U.S.C. 552a(f)(4).

§ 1410.6 Access to the accounting of disclosures from records.

The Privacy Act requires that with some limited exceptions individuals

may request access to a list of those to whom records about them have been disclosed. Individuals seeking access to the accounting of disclosures from records pertaining to them should follow the same procedures as established above for access to the records themselves (see §§ 1410.3, 1410.4, 1410.5).

§ 1410.7 Request for correction or amendment to the record.

The individual should submit a request to the Administrative Assistant of the Committee which states the individual's desire to correct or to amend his or her record. This request is to be made in accord with the provisions of § 1410.4.

§ 1410.8 Agency review of request for correction or amendment of the record.

Within ten working days of the receipt of the request to correct or to amend the record, the Administrative Assistant of the Committee will acknowledge in writing such receipt and promptly either—

(a) Make any correction or amendment or any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(b) Inform the individual of his or her refusal to correct or to amend the record in accordance with the request, the reason for the refusal, and the procedures established by the Committee for the individual to request a review of that refusal. Corrections or amendments will be sent to prior recipients of the record in question, to the extent that the Committee has an accounting of the disclosure of the record of that information.

§ 1410.9 Appeal of an initial adverse agency determination on correction or amendment of the record.

An individual who disagrees with the refusal of the Administrative Assistant of the Committee to correct or to amend his or her record may submit a request for a review of such refusal to the Chairman of the Advisory Committee on Federal Pay, Suite 205, 1730 K Street NW., Washington, DC 20006. The Chairman will, not later than thirty working days from the date on which the individual requests such review,

complete such review and make a final determination unless, for good cause shown, the Chairman extends such thirty day period. If, after his or her review, the Chairman also refuses to correct or to amend the record in accordance with the request, the individual may file with the Committee a concise statement setting forth the reasons for his or her disagreement with the refusal of the Committee and may seek judicial review of the Chairman's determination under 5 U.S.C. 552a(g)(1)(A). A copy of the corrected record or statement of dispute will be provided to prior recipients of the information in question, to the extent that the Committee has an accounting of the disclosure of that information.

§ 1410.10 Disclosure of record to a person other than the individual to whom the record pertains.

The Committee will not disclose a record to any individual other than to the individual to whom the record pertains without receiving the prior written consent of the individual to whom the record pertains, except as required or permitted under 5 U.S.C. 552a(b).

§ 1410.11 Fees.

If an individual requests copies of his or her record, he or she shall be charged ten cents per page for any copying charges in excess of \$25. In cases of indigency, the Committee may waive such fees. In cases where copying charges exceed \$25, advance payment will be required.

PART 1411—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY ADVISORY COMMITTEE ON FEDERAL PAY

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AUTHORITY: 29 U.S.C. 794.

SOURCE: 51 FR 4573, 4579, Feb. 5, 1986, unless otherwise noted.

§ 1411.101 Purpose.

This part effectuates section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which amended section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the United States Postal Service.

§ 1411.102 Application.

This part applies to all programs or activities conducted by the agency.

§ 1411.103 Definitions.

For purposes of this part, the term—
Assistant Attorney General means the Assistant Attorney General, Civil Rights Division, United States Department of Justice.

Auxiliary aids means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities conducted by the agency. For example, auxiliary aids useful for persons with impaired vision include readers, Brailled materials, audio recordings, telecommunications devices and other similar services and devices. Auxiliary aids useful for persons with impaired hearing include telephone handset amplifiers, telephones compatible with hearing aids, telecommunication devices for deaf persons (TDD's), interpreters, notetakers, written materials, and other similar services and devices.

Complete complaint means a written statement that contains the complainant's name and address and describes