

## **FHFA-13**

### **SYSTEM NAME:**

Freedom of Information Act and Privacy Act Records.

### **SECURITY CLASSIFICATION:**

Unclassified but sensitive.

### **SYSTEM LOCATIONS:**

Federal Housing Finance Agency, 400 7<sup>th</sup> Street SW, Washington, D.C. 20024; and any alternate work site utilized by employees of the Federal Housing Finance Agency (FHFA) or by individuals assisting such employees.

### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who have submitted requests for information pursuant to the Freedom of Information Act (FOIA); individuals who have submitted requests for records about themselves under the provisions of the Privacy Act of 1974; individuals filing an administrative appeal of a denial, in whole or part, of any such requests; and individuals filing a civil action in federal court of a denial, in whole or part, of any such requests.

### **CATEGORIES OF RECORDS IN THE SYSTEM:**

The records contain (a) Names, addresses, phone numbers, and other personal information supplied by individuals making written requests pursuant to FOIA; (b) names, addresses, phone numbers, Social Security numbers, and other personal identifying information supplied by individuals making written requests to review or requests for amendment of records to the Privacy Act; (c) correspondence to or from the requester; correspondence to or from an individual writing on the requester's behalf; (d) internal FHFA memoranda; memoranda to or from other federal agencies having a substantial interest in the determination of the request; (e) responses to requests (including for example acknowledgment letters, fee estimate letters, and final determinations); (f) administrative appeals of denials of a FOIA request; (g) administrative appeals of denials of requests for records or requests for amendment of records made pursuant to the Privacy Act; and (h) and civil actions filed in federal court of a denial, in whole or part, of any such requests. These records may contain personal information retrieved in response to a request. **Note:** FOIA and Privacy Act records may contain inquiries and requests regarding any of FHFA's other systems of records subject to the FOIA and Privacy Act, and information about individuals from any of these other systems may become part of this system of records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Freedom of Information Act (5 U.S.C. 552), the Privacy Act of 1974 (5 U.S.C. 552a), and FHFA implementing regulations, 12 CFR parts 1202 and 1204.

**PURPOSE(S):**

The records maintained in this system are collected to process requests made under the provisions of FOIA and the Privacy Act. The records are also used by FHFA to prepare reports to the Office of Management and Budget, the Department of Justice, and Congress as required by the FOIA or Privacy Act.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside FHFA as a routine use as follows:

(1) To appropriate federal, state, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when FHFA is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate federal, state, local authorities, and other entities when (a) it is suspected or confirmed that the security or confidentiality of information in the system has been compromised; (b) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(5) To appropriate federal, state, and local authorities in connection with hiring or retaining an individual, conducting a background security or suitability investigation, adjudication of liability, or eligibility for a license, contract, grant, or other benefit;

(6) To appropriate federal, state, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(7) To appropriate federal agencies and other public authorities for use in records management inspections;

(8) To contractor personnel, grantees, volunteers, interns, and others performing or working on a contract, service, grant, cooperative agreement, or project for the Federal Government;

(9) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions;

(10) To another Federal Government agency having a substantial interest in the determination of the request or for the purpose of consulting with that agency as to the propriety of access or correction of the record in order to complete the processing of requests;

(11) To a third party authorized in writing to receive such information by the individual about whom the information pertains; and

(12) To the Department of the Treasury, federal debt collection centers, other appropriate Federal agencies, and private collection contractors or other third parties authorized by law, for the purpose of collecting or assisting in the collection of delinquent debts owed to FHFA. Disclosure of information contained in these records will be limited to the individual's name, Social Security number, and other information necessary to establish the identity of the individual, and the existence, validity, amount, status and history of the debt.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained in paper form, electronic format, and magnetic disk or tape. Electronic records are stored in computerized databases. Paper and magnetic disk or tape records are stored in locked file rooms or locked file cabinets.

**RETRIEVABILITY:**

Electronic media and paper format records are indexed and retrieved by the requester's name or by unique log number assigned to the request. Records sometimes are retrieved by reference to the name of the requester's firm, if any, or the subject matter of the request.

**SAFEGUARDS:**

Records are safeguarded in a secured environment. Buildings where records are stored have security cameras and 24-hour security guard service. Access is limited to those individuals whose official duties require access. Computerized records are safeguarded through use of access codes and other information technology security measures.

**RETENTION AND DISPOSAL:**

Paper records and electronic media are retained in accordance with National Archives and Records Administration and FHFA Records Retention and Disposition Schedules. Disposal is by shredding or other appropriate disposal systems.

**SYSTEM MANAGER(S) AND ADDRESS:**

Office of General Counsel, Federal Housing Finance Agency, 400 7<sup>th</sup> Street SW, Washington, D.C. 20024; and any alternate work site utilized by employees of the Federal Housing Finance Agency (FHFA) or by individuals assisting such employees.

**NOTIFICATION PROCEDURE:**

Direct inquiries to the Privacy Act Officer by mail at Federal Housing Finance Agency, 400 7<sup>th</sup> Street SW, Washington, D.C. 20024, or electronically at <https://www.fhfa.gov/AboutUs/FOIAPrivacy/Pages/Privacy.aspx> in accordance with the procedures set forth in 12 CFR part 1204.

**RECORD ACCESS PROCEDURES:**

Direct requests to the Privacy Act Officer by mail at Federal Housing Finance Agency, 400 7<sup>th</sup> Street SW, Washington, D.C. 20024, or electronically at <https://www.fhfa.gov/AboutUs/FOIAPrivacy/Pages/Privacy.aspx> in accordance with the procedures set forth in 12 CFR part 1204.

**CONTESTING RECORD PROCEDURES:**

Direct requests to the Privacy Act Appeals Officer by mail at Federal Housing Finance Agency, 400 7<sup>th</sup> Street SW, Washington, D.C. 20024, or electronically at

<https://www.fhfa.gov/AboutUs/FOIAPrivacy/Pages/Privacy.aspx> in accordance with the procedures set forth in 12 CFR part 1204.

**RECORD SOURCE CATEGORIES:**

Requesters and individuals acting on behalf of requesters, FHFA offices and divisions, referrals to or from other Federal agencies having an interest in the request, and employees processing the requests.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

FHFA has or may claim exemptions for several of its other systems of records under 5 U.S.C. 552a (k)(1), (k)(2), and (k)(5) and 12 CFR part 1204. During the processing of a FOIA or Privacy Act request, exempt records from these other systems of records may become part of the case record in this system of records. To the extent that exempt records from other FHFA systems of records are entered or become part of this system, FHFA claims the same exemptions, and any such records compiled in this system of records from any other system of records continues to be subject to any exemption(s) applicable for the records as they have in the primary systems of records of which they are a part.