

## § 266.4

## 39 CFR Ch. I (7–1–21 Edition)

agreement specifying the terms under which the matching program is to be conducted (see § 266.9). The Privacy and Records Management Office may require that other matching activities be conducted in accordance with a written agreement.

(iii) *Data Integrity Board approval.* No record from a Postal Service system of records may be disclosed for use in a computer matching program unless the matching agreement has received approval by the Postal Service Data Integrity Board (see § 266.9). Other matching activities may, at the discretion of the Privacy and Records Management Office, be submitted for Board approval.

(c) *Amendment or dispute disclosure.* If a personal record contains any amendments or notations of dispute relating to the accuracy, timeliness or relevance of the record, any person or other agency to which the record has been or is to be disclosed must be informed of the amendments or notations within 30 days of the modification.

(d) *Recording of disclosure.* (1) An accurate accounting of each disclosure will be kept in all instances except those in which disclosure is made to the subject of the record, to Postal Service employees or employees of Postal Service contractors in the performance of their Postal Service duties, when the record is publicly available, or as required by the Freedom of Information Act (5 U.S.C. 552).

(2) The accounting will be maintained for at least 5 years or the life of the record, whichever is longer.

(3) The accounting will be made available to the individual named in the record upon inquiry, except for disclosures made pursuant to paragraph (b)(2)(viii) of this section relating to law enforcement activities.

[82 FR 47116, Oct. 11, 2017, as amended at 83 FR 3085, Jan. 23, 2018; 83 FR 48237, Sept. 24, 2018]

### § 266.4 Notification.

(a) *Notification of systems.* Upon written request, the Postal Service will notify any individual whether a specific system named by the individual contains a record pertaining to that individual, unless exempt from notification under the Privacy Act or other law.

See § 266.5 for the suggested form of a request.

(b) *Notification of disclosure.* The Postal Service will make reasonable efforts to serve notice on an individual before any personal information on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record.

(c) *Notification of amendment.* See § 266.5(c)(1) relating to amendment of records upon request.

(d) *Notification of new use.* Any new intended use of personal information maintained by the Postal Service will be published in the FEDERAL REGISTER 30 days before such use becomes operational. Public views may then be submitted to the Privacy and Records Management Office.

(e) *Notification of exemptions.* The Postal Service will publish in the FEDERAL REGISTER its intent to exempt any system of records and will specify the nature and purpose of that system.

(f) *Notification of computer matching program.* The Postal Service publishes in the FEDERAL REGISTER and forwards to Congress and to the Office of Management and Budget (OMB) advance notice of its intent to establish, substantially revise, or renew a matching program, unless such notice is published by another participant agency. In those instances in which the Postal Service is the “recipient” agency, as defined in the Act, but another participant agency sponsors and derives the principal benefit from the matching program, the other agency is expected to publish the notice. The notice must be sent to Congress and OMB, and published at least 30 days prior to:

(1) The initiation of any matching activity under a new or substantially revised program; or

(2) The expiration of the existing matching agreement in the case of a renewal of a continuing program.

### § 266.5 Procedures for requesting notification, inspection, copying, or amendment of records.

The purpose of this section is to provide procedures by which an individual may request notification of, access to, or amendment of personal information

within a Privacy Act System of Records.

(a) *Submission of requests*—(1) *Manner of submission.* Inquiries regarding the contents of records systems or access or amendment to personal information should be submitted in writing in accordance with the procedures described in the applicable system of records notice, or to the Privacy and Records Management Office, U.S. Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260-1101. Requests to the U.S. Postal Inspection Service should be submitted to the Chief Postal Inspector, U.S. Postal Inspection Service, 475 L'Enfant Plaza SW., Washington, DC 20260. Requests to the Office of Inspector General should be submitted to the Freedom of Information Act/Privacy Officer, U.S. Postal Service Office of Inspector General, 1735 North Lynn Street, Arlington, VA 22209-2020. Inquiries should be clearly marked, "Privacy Act Request." Any inquiry concerning a specific system of records should include the information contained under "Notification Procedure" for that system as published in the FEDERAL REGISTER or within USPS Handbook AS-353, *Guide to Privacy, the Freedom of Information Act, and Records Management, Appendix*. If the information supplied is insufficient to locate or identify the record, if any, the requester will be notified promptly and, if possible, informed of additional information required. Amendment requests that contest the relevance, accuracy, timeliness or completeness of the record should include a statement of the amendment requested.

(2) *Period for response by custodian.* Upon receipt of an inquiry, the custodian will respond with an acknowledgment of receipt within 10 days.

(b) *Compliance with request for access*—(1) *Notification to requester.* When a requested record has been identified and is to be made available to the requester for inspection and copying, the custodian must ensure that the record is made available promptly and must immediately notify the requester where and when the record will be available for inspection and copying. Postal Service records will normally be available for inspection and copying during regular business hours at the postal fa-

ilities at which they are maintained. The custodian may, however, designate other reasonable locations and times for inspection and copying of some or all of the records that are in the custodian's possession. If the requested record has been identified and a copy is to be provided to the requester, the copy must be promptly provided.

(2) *Identification of requester.* The requester must present identification sufficient to satisfy the custodian as to the requester's identity prior to record review or other access. As appropriate under the circumstances of the access request, the requester may be required to comply with one of the following identification verification methods:

(i) Provision of a completed *Certification of Identity* if the records pertain to the requester available at <http://about.usps.com/who-we-are/foia/welcome.htm>;

(ii) Provision of official photo identification if the records pertain to the requester, examples of which are a valid driver's license, unexpired passport, and unexpired federal government-issued employee identification card; or

(iii) Provision of a completed *Privacy Waiver* if the records pertain to another individual available at <http://about.usps.com/who-we-are/foia/welcome.htm>.

(3) *Responsibilities of requester.* The requester assumes the following responsibilities regarding the review of official personal records:

(i) The requester must agree not to leave Postal Service premises with official records unless specifically given a copy for that purpose by the custodian or the custodian's representative.

(ii) At the conclusion of the inspection, the requester must sign a statement indicating the requester has reviewed specific records or categories of records. If the requester indicates at the beginning of the inspection that he or she will not sign the statement, records may still be reviewed, and the time and date of review will be noted in the file.

(iii) The requester may be accompanied by a person of the requester's choice to aid in the inspection of information and, if applicable, the manual recording or copying of the records if

## § 266.6

the requester submits a signed statement authorizing the person to do so, and discussion of the records in the accompanying person's presence.

(4) *Special restrictions for medical and psychological records.* A medical or psychological record must be disclosed to the requester to whom it pertains unless, in the judgment of the medical officer, access to such record could have an adverse effect upon such individual. When the medical officer determines that the disclosure of medical information could have an adverse effect upon the individual to whom it pertains, the medical officer will transmit such information to a medical doctor named by the requesting individual. In such cases, an accounting of the disclosure must be kept.

(5) *Limitations on access.* Nothing in this section shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding. Other limitations on access are specifically addressed in paragraph (b)(4) of this section and § 266.8.

(6) *Response when compliance is not possible.* A reply denying a written request to review or otherwise access a record must be in writing, signed by the custodian or other appropriate official and must be made only if such a record does not exist or does not contain personal information relating to the requester, or is exempt from disclosure. This reply must include a statement regarding the determining factors of denial, and the right to appeal the denial to the General Counsel.

(c) *Compliance with notification request.* The custodian must promptly notify a requester if a record has been located in response to a request for notification as to whether a specific system of records contains a record pertaining to the requester, unless exempt from notification.

(d) *Compliance with request for amendment.* The custodian must:

(1) Correct or eliminate any information that is found to be incomplete, inaccurate, not relevant to a statutory purpose of the Postal Service, or not timely, and notify the requester when this action is complete; or

(2) Not later than 30 working days after receipt of a request to amend, no-

## 39 CFR Ch. I (7-1-21 Edition)

tify the requester of a determination not to amend, the reason for the refusal, and of the requester's right to appeal, or to submit, in lieu of an appeal, a statement of reasonable length setting forth a position regarding the disputed information to be attached to the contested personal record.

(e) *Availability of assistance in exercising rights.* The Privacy and Records Management Office is available to provide an individual with assistance in exercising rights pursuant to this part.

### § 266.6 Appeal procedure.

(a) *Appeal procedure.* (1) If a request for notification of or to inspect, copy, or amend a record is denied, in whole or in part, or if no determination is made within the period prescribed by this part, the requester may appeal to the General Counsel, U.S. Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260-1101.

(2) The requester must submit an appeal in writing within 90 days of the date of denial, or within 90 days of such request if the appeal is from a failure of the custodian to make a determination. The letter of appeal should include, as applicable:

(i) Reasonable identification of the record to which the requester sought notification, access, or amendment;

(ii) A statement of the Postal Service action or failure to act, and of the relief sought; and

(iii) A copy of the request, of the notification of denial, and of any other related correspondence, if any.

(3) Any record found on appeal to be incomplete, inaccurate, not relevant, or not timely, must be appropriately amended within 30 working days of the date of such findings.

(4) The decision of the General Counsel constitutes the final decision of the Postal Service on the right of the requester to be notified of; inspect, copy, or otherwise have access to; or change or update a record. The decision on the appeal must be in writing and, in the event of a denial, must set forth the reasons for such denial and state the individual's right to obtain judicial review in a district court. An indexed file of decisions on appeals must be maintained by the General Counsel.