

U.S. Agencies Get 111-Page Guideline on Privacy

By LINDA CHARLTON
Special to The New York Times

WASHINGTON, July 7—The Office of Management and Budget made public today the 111-page set of interpretive guidelines to direct all Federal departments and agencies in carrying out the Privacy Act of 1974.

The act, which becomes effective Sept. 27, 1975, is intended to safeguard individual citizens from the misuse of personal data gathered in Federal records systems. It has been estimated that there are at least 850 such systems in existence. One of its requirements is that all department and agencies publish, by the effective date of the law, a list of the records systems they are now maintaining and similarly to make pub-

lic their intention to establish any additional systems.

The law gives individuals access to personal information about themselves in Federal files and restricts the rights of the agency to use or transfer the information without the individual's consent. The office of Management and Budget was designated to "develop guidelines and regulations" for implementation of the act.

'Permissive Not Mandatory'

The prohibition on disclosure of records except under certain specified circumstances, the guidelines observe, is "permissive not mandatory." This point was, evidently, considered so vital that the writers of the guidelines summarized it in capitals:

"Nothing in the Privacy Act should be interpreted to author-

ize or compel disclosure of records, not otherwise permitted or required, to anyone other than the individual to whom a record pertains pursuant to a request by the individual for access to it." And it notes that "disclosure" can mean either the transfer of a record or allowing access to it.

Commenting on an individual's access to his records, the guidelines state:

"The granting of access may not be conditioned upon any requirement to state a reason or otherwise justify the need to gain access."

They also stress that the law forbids an individual to be denied "any right (including access to a record)" for refusing to disclose his Social Security number, unless such disclosure is required by statutes or regu-

lations adopted before the beginning of 1975.

Another significant part of the law requires that any information in an individual's file must be "relevant and necessary" to the agency's purpose. The guidelines note: "A key objective of the act is to reduce the amount of personal information collected by Federal agencies to reduce the risk of intentionally or inadvertently improper use of personal data. In simplest terms, information not collected about an individual cannot be misused."

Walter W. Haase, deputy associated director of the Office of Management and Budget for information systems, described the act as "tough but workable." It provides that an official who violates the law can be fined up to \$5,000.

*SEE LEXPOST 16 SEP 74