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TITLE 5

TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES

- λ [PART I](#)—THE AGENCIES GENERALLY (§§ 101—913)
- λ [PART II](#)—CIVIL SERVICE FUNCTIONS AND RESPONSIBILITIES (§§ 1101—1508)
- λ [PART III](#)—EMPLOYEES (§§ 2101—10106)

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[main page](#) [faq](#) [index](#) [search](#)



[TITLE 5](#) > [PART I](#)

PART I—THE AGENCIES GENERALLY

- λ [CHAPTER 1](#)—ORGANIZATION (§§ 101—105)
- λ [CHAPTER 3](#)—POWERS (§§ 301—306)
- λ [CHAPTER 5](#)—ADMINISTRATIVE PROCEDURE (§§ 500—596)
- λ [CHAPTER 6](#)—THE ANALYSIS OF REGULATORY FUNCTIONS (§§ 601—612)
- λ [CHAPTER 7](#)—JUDICIAL REVIEW (§§ 701—706)
- λ [CHAPTER 8](#)—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING (§§ 801—808)
- λ [CHAPTER 9](#)—EXECUTIVE REORGANIZATION (§§ 901—913)

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[TITLE 5](#) > [PART I](#) > CHAPTER 5

CHAPTER 5—ADMINISTRATIVE PROCEDURE

- λ [SUBCHAPTER I](#)—GENERAL PROVISIONS (§§ 500—504)
- λ [SUBCHAPTER II](#)—ADMINISTRATIVE PROCEDURE (§§ 551—559)
- λ [SUBCHAPTER III](#)—NEGOTIATED RULEMAKING PROCEDURE (§§ 561—570a)
- λ [SUBCHAPTER IV](#)—ALTERNATIVE MEANS OF DISPUTE RESOLUTION IN THE ADMINISTRATIVE PROCESS (§§ 571—584)
- λ [SUBCHAPTER V](#)—ADMINISTRATIVE CONFERENCE OF THE UNITED STATES (§§ 591—596)

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[TITLE 5](#) > [PART I](#) > [CHAPTER 5](#) > SUBCHAPTER II

SUBCHAPTER II—ADMINISTRATIVE PROCEDURE

- λ [§ 551](#). Definitions
- λ [§ 552](#). Public information; agency rules, opinions, orders, records, and proceedings
- λ [§ 552a](#). Records maintained on individuals
- λ [§ 552b](#). Open meetings
- λ [§ 553](#). Rule making
- λ [§ 554](#). Adjudications
- λ [§ 555](#). Ancillary matters
- λ [§ 556](#). Hearings; presiding employees; powers and duties; burden of proof; evidence; record as basis of decision
- λ [§ 557](#). Initial decisions; conclusiveness; review by agency; submissions by parties; contents of decisions; record
- λ [§ 558](#). Imposition of sanctions; determination of applications for licenses; suspension, revocation, and expiration of licenses
- λ [§ 559](#). Effect on other laws; effect of subsequent statute

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[TITLE 5](#) > [PART I](#) > [CHAPTER 5](#) > [SUBCHAPTER II](#) > § 552a

§ 552a. Records maintained on individuals

(a) Definitions.— For purposes of this section—

(1) the term “agency” means agency as defined in section 552 (e) ⁽¹⁾ of this title;

(2) the term “individual” means a citizen of the United States or an alien lawfully admitted for permanent residence;

(3) the term “maintain” includes maintain, collect, use, or disseminate;

(4) the term “record” means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

(5) the term “system of records” means a group of any records under the control of any agency 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;

(6) the term “statistical record” means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of title 13;

(7) 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;

(8) the term “matching program”—

(A) means any computerized comparison of—

(i) two or more automated systems of records or a system of records with non-Federal records for the purpose of—

(I) establishing or verifying the eligibility of, or continuing compliance with statutory and regulatory requirements by, applicants for, recipients or beneficiaries of, participants in, or providers of services with respect to, cash or in-kind assistance or payments under Federal benefit programs, or

(II) recouping payments or delinquent debts under such Federal benefit programs, or

(ii) two or more automated Federal personnel or payroll systems of records or a system of Federal personnel or payroll records with non-Federal records,

(B) but does not include—

(i) matches performed to produce aggregate statistical data without any personal identifiers;

(ii) matches performed to support any research or statistical project, the specific data of which may not be used to make decisions concerning the rights, benefits, or privileges of specific individuals;

(iii) matches performed, by an agency (or component thereof) which performs as its principal function any activity pertaining to the enforcement of criminal laws, subsequent to the initiation of a specific criminal or civil law enforcement investigation of a named person or persons for the purpose of gathering evidence against such person or persons;

(iv) matches of tax information

(I) pursuant to section 6103(d) of the Internal Revenue Code of 1986,

(II) for purposes of tax administration as defined in section 6103(b)(4) of such Code,

(III) for the purpose of intercepting a tax refund due an individual under authority granted by section 404(e), 464, or 1137 of the Social Security Act; or

(IV) for the purpose of intercepting a tax refund due an individual under any other tax refund intercept program authorized by statute which has been determined by the Director of the Office of Management and Budget to contain verification, notice, and hearing requirements that are substantially similar to the procedures in section 1137 of the Social Security Act;

(v) matches—

(I) using records predominantly relating to Federal personnel, that are performed for routine administrative purposes (subject to guidance provided by the Director of the Office of Management and Budget pursuant to subsection (v)); or

(II) conducted by an agency using only records from systems of records maintained by that agency;

if the purpose of the match is not to take any adverse financial, personnel, disciplinary, or other adverse action against Federal personnel;

(vi) matches performed for foreign counterintelligence purposes or to produce background checks for security clearances of Federal personnel or Federal contractor personnel;

(vii) matches performed incident to a levy described in section 6103(k)(8) of the Internal Revenue Code of 1986; or

(viii) matches performed pursuant to section 202(x)(3) or 1611(e)(1) of the Social Security Act (42 U.S.C. 402 (x) (3), 1382 (e)(1));

(9) the term "recipient agency" means any agency, or contractor thereof, receiving records contained in a system of records from a source agency for use in a matching program;

(10) the term "non-Federal agency" means any State or local government, or agency thereof, which receives records contained in a system of records from a source agency for use in a matching program;

(11) the term "source agency" means any agency which discloses records contained in a system of records to be used in a matching program, or any State or local government, or agency thereof, which discloses records to be used in a matching program;

(12) the term "Federal benefit program" means any program administered or funded by the Federal Government, or by any agent or State on behalf of the Federal Government, providing cash or in-kind assistance in the form of payments, grants, loans, or loan guarantees to individuals; and

(13) the term "Federal personnel" means officers and employees of the Government of the United States, members of the uniformed services (including members of the Reserve Components), individuals entitled to receive immediate or deferred retirement benefits under any retirement program of the Government of the United States (including survivor benefits).

(b) Conditions of Disclosure.— No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be—

(1) to those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

(2) required under section 552 of this title;

(3) for a routine use as defined in subsection (a)(7) of this section and described under subsection (e)(4)(D) of this section;

(4) to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

(5) to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) to the National Archives and Records Administration as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Archivist of the United States or the designee of the Archivist to determine whether the record has such value;

(7) to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(9) to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the Government Accountability Office;

(11) pursuant to the order of a court of competent jurisdiction; or

(12) to a consumer reporting agency in accordance with section 3711 (e) of title 31.

(c) Accounting of Certain Disclosures.— Each agency, with respect to each system of records under its control, shall—

(1) except for disclosures made under subsections (b)(1) or (b)(2) of this section, keep an accurate accounting of—

(A) the date, nature, and purpose of each disclosure of a record to any person or to another agency made under subsection (b) of this section; and

(B) the name and address of the person or agency to whom the disclosure is made;