

Reclamation Manual

Directives and Standards

Notice of Investigatory Uses of Personal Information by the Department of the Interior and the Bureau of Reclamation

Complaint Number:

Complainant and Interviewee Rights and Privileges.

Complainants and individuals who cooperate in an investigation, proceeding or hearing conducted by the Department of the Interior/Bureau of Reclamation are afforded certain rights and protections. This brief description will provide you with an overview of these rights and protections.

-A recipient cannot force its employees to be represented by the recipient's counsel, nor intimidate, threaten, coerce, or discriminate against any employee who refuses to reveal to the recipient the content of an interview. An employee does, however, have the right to representation during an interview with the Department/Reclamation. The representative must be the recipient's counsel, the employee's private counsel, or anyone else the interviewee authorizes to be present.

-The laws and regulations which govern the Department's/Reclamation's compliance and enforcement authority provide that no recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual because she/he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing conducted under the Department's/Reclamation's jurisdiction, or has asserted rights protected by statutes the Department/Reclamation enforces.

-Information obtained from the complainant or other individual that is maintained in the Department's/Reclamation's investigative files are exempt from disclosure under the Privacy Act or under the Freedom of Information Act if release of such information would constitute an unwarranted invasion of personal privacy.

There are two laws governing personal information submitted to any Federal agency, including the Department/Reclamation: The Privacy Act of 1974 (Pub. L. 93-579; 5 USC 4552a), and the Freedom of Information Act (FOIA) (Pub. L. 104-231; 5 USC 552)

The Privacy Act.

The Privacy Act protects individuals from misuse of personal information held by the Federal Government. The law applies to records that are kept and that can be located by the individual's name or social security number or other personal identification system. Persons who submit information to the government must be informed that:

-Information that the Department/Reclamation collects is analyzed by authorized personnel within the agency. This information includes personnel records or other personal information.

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Department/Reclamation staff may need to reveal certain information to persons outside the agency in the course of verifying facts or gathering new facts to develop a basis or making a civil rights compliance determination. Such details could include the physical condition or age of a complainant. The Department/Reclamation is also required to reveal certain information to any individual who requests it under the provisions of the FOIA as appropriate.

-Personal information must only be used for the specific purpose for which it was submitted. That is, for authorized civil rights compliance and enforcement activities. Except in the instances defined in Department/Reclamation regulations, the Department/Reclamation will not release the information to any other agency or individual unless the person who supplied the information submits a written consent. One of these exceptions is when release is required under the FOIA.

-No law requires a complainant to give personal information to the Department/Reclamation, and no sanctions will be imposed on complainants or other individuals who deny the Department/Reclamation request. However, if the Department/Reclamation fails to obtain information needed to investigate allegations of discrimination, it may be necessary to close the investigation.

-The Privacy Act permits certain types of systems of records to be exempt from some of its requirements, including the access provisions. The Department/Reclamation must deny a complainant access to the files compiled during the agency investigation of his or her civil rights complaint against a recipient of Federal financial assistance. Complaint files are exempt in order to aid negotiations between recipients and Department/Reclamation in resolving civil rights issues and to encourage recipients to furnish information essential to the investigation.

-The Department/Reclamation cannot reveal the names or other identifying information about an individual unless it is necessary for the completion of an investigation or for enforcement activities against a recipient that violates the laws, or unless such information is required to be disclosed under FOIA or the Privacy Act. The Department/Reclamation will keep the identity of complainants confidential except to the extent necessary to carry out the purposes of the civil rights laws, or unless disclosure is required under FOIA, the Privacy Act, or otherwise required by law.

FOIA.

FOIA gives the public access to certain files and records of the Federal Government. Individuals can obtain items from many categories of records of the Government, not just materials that apply to them personally. The Department/Reclamation must honor requests under the FOIA, with some exceptions. The Department/Reclamation generally is not required to release documents during an investigation or enforcement proceedings if the release could have an adverse effect on the ability of the agency to do its job. Also, any Federal agency may refuse a request for records compiled for law enforcement purposes if their release could be an "unwarranted invasion of privacy" of an individual.

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Requests for other records, such as personnel [and medical files], may be denied where the disclosure would be a "clearly unwarranted invasion of privacy."

Please check one box, sign, date, and return to the address shown below:

I CONSENT. I have read and been given the opportunity to ask questions about the Notice of Investigatory Uses of Personal Information by the Department/Reclamation, above. I understand this information and I authorize the Department/Reclamation to reveal my identity to persons at the organization or institution under investigation. I hereby authorize the Department/Reclamation to receive material and information about me pertinent to the investigation of my complaint. This release includes, but is not limited to, personal records and medical records. I understand that, as a complainant, I am protected by the Department/Reclamation regulations from intimidation or retaliation for having taken, or participated in, action(s) to secure rights protected by nondiscrimination statutes enforced by the Department/Reclamation. I understand that the material and information collected and/or received will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release, and am doing so voluntarily.

I DO NOT CONSENT. I have read, been given the opportunity to ask questions about the Notice of Investigatory Uses of Personal Information by the Department/Reclamation, above, and I understand the above information. I do not want Department/Reclamation to reveal my identity to the organization or institution under investigation, nor to review, receive copies of, nor discuss material and information about me, pertinent to my complaint. I understand this is likely to impede the investigation of my complaint, and may result in closure of the investigation.

(Please print your name here)

(Signature and Date)

Mail form using the self-addressed stamped envelope or mail to the Bureau of Reclamation, Civil Rights Division, P.O. Box 25007, Denver CO 80225.