



USAID Privacy Act Section (e)(3) Statement or Notice Template

A Mandatory Reference for ADS Chapter 508

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USAID
FROM THE AMERICAN PEOPLE

Management Bureau/Chief Information Officer/Information Assurance Division
(M/CIO/IA)

**PRIVACY ACT SECTION (e)(3)
STATEMENT OR NOTICE (PA STATEMENT)**

Program Name:

Form or Survey Number and Name:

Approved:

Additional Privacy Compliance Documentation:

- Privacy Threshold Analysis (PTA)
- Privacy Impact Assessment (PIA)
- System of Records Notice (SORN)

TABLE OF CONTENTS

1. Introduction..... 1
2. Privacy Compliance 2
3. PA Statement 2
4. Appendices..... 5

1. INTRODUCTION

Program managers, system owners, and survey/form owners should use this mandatory reference as a guide to craft the required components of a Privacy Act Section (e)(3) Statement or Notice (PA Statement). This template is used to gather information from program managers and system owners in order to create a PA Statement for a survey or form used by the program or system. See [ADS 508, Privacy Program, Section 508.3.10.1 Privacy Act section \(e\)\(3\) Statements or Notices](#).

The PA Statement process should accomplish one goal: to create a PA Statement that informs individuals from whom personal information is collected of the reasons for requesting the information, how it may be used, and what the consequences are, if any, of not providing the information. The PA Statement must provide an individual with enough information about the request for information to enable the individual to make an informed decision on whether or not to respond. The PA Statement must be included on all USAID forms and surveys (both internal and external) that collect PII on individuals. The PA Statement must be located and accessible on the form or survey where the PII is collected, whether on a Website, in an electronic document, or in a paper document.

Each section includes assistance (in blue text) on how to answer the question. For additional instructions on how to craft a PA Statement, please see Appendix A Creating the PA Statement.

If you have questions about or need assistance with this reference, the PA Statement process, or other privacy compliance requirements, please contact the USAID Privacy Office at privacy@usaid.gov.

The final PA Statement must be submitted to the USAID Information and Records Division (M/MS/IRD) per the guidelines found in [ADS 505, Forms Management Program](#), [ADS 506, Reports Management](#), and [ADS 508, Privacy Program](#).

2. PRIVACY COMPLIANCE

If you do not already have one for the program or system related to this form or survey, you must complete a [Privacy Threshold Analysis \(PTA\) Template](#) before you complete this PA Statement Template.

3. PA STATEMENT

The following sections are required for a Privacy Act Statement.

3.1 What are the statutes or other legal authorities that permit you to collect personal information?
Authority:
<p>Please provide the name and citation for each statute, regulation, policy, and other authority (such as Executive Orders, OMB policies, NIST guidance) that authorize you to collect, use, maintain, and disseminate PII. Also include any Memoranda of Understanding (MOUs) that allow or require you to collect, use, maintain, and/or disseminate PII. Include also any internal USAID regulations, policies, memoranda, and other documents.</p> <p>Regarding Social Security Numbers (SSNs), please provide the name and citation for each statute, regulation, policy, and other authority that authorizes you to collect, use, maintain, and disseminate SSNs, if you do so.</p> <p>These citations must be the same authorities that are listed in the “Authority for Maintenance of System of Records” section of the related SORN and “What are the statutes or other legal authorities that permit you to collect, use, maintain, or disseminate personal information?” section of the PTA.</p> <p><i>For example:</i></p> <p>22 U.S.C. 2651; 5 U.S.C. 301; 5 U.S.C. 5379; and E.O. 9397 for the SSN.</p>
<p>PT-2: Authority to Process Personally Identifiable Information</p> <p>PT-5: Privacy Notice</p> <p>PT-5(1): Privacy Notice Just-In-Time Notice</p>

3.2 Describe the survey or form and its purposes.
Purpose:
<p>Provide a general description of the survey or form. The description should include the purpose of the survey or form and how it supports the USAID program’s business function.</p> <p>Describe the purpose(s) for collecting the information and how USAID will use it. This is the purposes for which the PII will be used. When describing the purposes for which the information is to be used, the description must include all major purposes for which the record will be used by the agency, particularly those that might be used to determine an individual’s rights, benefit, or entitlement.</p> <p>These purposes must be the same authorities that are listed in the “Purpose(s)” section of the related SORN and the “Why is the PII collected and how do you use it?” section of the Privacy Impact Assessment (PIA).</p> <p><i>For example:</i></p> <p>To collect information to determine if you are eligible to participate in the Student Loan Repayment Program.</p>
<p>PT-3: Process Personally Identifiable Information Processing</p>

PT-5: Privacy Notice
PT-5(1): Privacy Notice | Just-In-Time Notice

3.3 Describe the routine uses for the information.

Routine Uses:

Describe to whom USAID may disclose the information outside of the Agency and for what purposes. This is the routine uses that may be made of PII. The routine uses which may be made of the information, as published in the Federal Register.

The description of the “routine uses” in the Privacy Act Notice is based on the published routine uses found in the “Routine Uses of Records Maintained in the System of Records, Including Categories of Users and the Purposes of Such Uses” section in the related SORN. The “routine uses” described in the Privacy Act Notice may be a summary of the actual routine uses published in the SORN, but it does need to inform individuals under what conditions the information will be disclosed outside the Agency.

The description of the “routine uses” must be the same as those in the “Why is the PII collected and how do you use it?” section of the PIA.

For example:

The personal information and SSN are used by the U.S. Agency for International Development to determine eligibility for the Student Loan Repayment Program, to maintain administrative records, to perform other administrative functions inherent in the administration of this program, and to make payments on your behalf. This information will be made available to the Internal Revenue Service for tax and withholding purposes and to the Office of Personnel Management. Additionally, these records, or information there-from, may also be used within USAID for study purposes, such as projection of staffing needs, and/or creation of non-identifiable statistical data for reports to other Federal agencies and Congress.

PT-5: Privacy Notice
PT-5(1): Privacy Notice | Just-In-Time Notice
AC-21: Information Sharing
PT-2: Authority to Process Personally Identifiable Information
PT-3: Personally Identifiable Information Processing Purposes

3.4 Do you contact individuals to allow them to consent to your collection and sharing of PII?

Disclosure:

Discuss whether the PII collection is mandatory or voluntary. This is the effects on the individual of not providing all or any part of the requested information. USAID can only make collection mandatory when a Federal statute, executive order, regulation, or other lawful order specifically imposes a duty on the person to provide the information; and the person is subject to a specific penalty for failing to provide the requested information. The effects, if any, of not providing the information; for example, the loss or denial of a privilege, benefit, or entitlement sought as a consequence of not furnishing the requested information. This requirement is intended to allow the individual from whom personal information is being sought to know the good or bad effects of providing or not providing the information.

This disclosure section must match with the “Do you contact individuals to allow them to consent to your collection and sharing of PII?” section of the PIA.

For example:

Disclosure is voluntary for both personal information and the last four digits of your SSN, but failure to provide certain information may result in denial of your application and not Student Loan Repayment Program incentive payment(s) made on your behalf.

PT-5: Privacy Notice

PT-5(1): Privacy Notice | Just-In-Time Notice

PT-4: Consent



Please stop here and send this form to the Privacy Office at privacy@usaid.gov. The Privacy Office will review your information and contact you.

- If more information is needed, the Privacy Office will contact you with questions or will send you the appropriate form(s) to complete.
- If this PA Statement is ready for the approval process, the Privacy Office will send you this form to sign.

4. APPENDICES

4.1 APPENDIX A CREATING THE PA STATEMENT

4.1.1 Background

[The Privacy Act of 1974](#) provides protection to individuals (citizens of the United States or aliens lawfully admitted for permanent residence) by ensuring that personal information collected by Federal agencies is limited to that which is legally authorized and necessary and is maintained in a manner which precludes unwarranted intrusions upon individual privacy.

[The Privacy Act](#) requires that whenever an individual is asked to supply personal information about himself, herself, or a family member, USAID inform the individual about the USAID use of the information; what information is mandatory and what is voluntary; and the cost or forfeiture that might be experienced by the individual in terms of money, time, lost opportunity, or other measure of value if all or some of the information is not supplied.

As specified in the [Privacy Act, Section \(e\)\(3\)](#), USAID must provide what is commonly referred to as a Privacy Act Statement or Notice to all individuals asked to provide personal information about themselves, which will go into a system of records (i.e., the information will be stored and retrieved using the individual's name or other personal identifier).

USAID must inform individuals from whom personal information is collected of the reasons for requesting the information, how it may be used, and what the consequences are, if any, of not providing the information. Implicit in this requirement is the notion of informed consent; that is, USAID must provide an individual with enough information about the request for information to enable the individual to make an informed decision on whether or not to respond.

A Privacy Act Section (e)(3) Statement or Notice must be included on all USAID forms and surveys (both internal and external) that collect PII on individuals. A Privacy Act Statement or Notice should also be provided verbally when information is being collected through an interview. The Statement or Notice must be located and accessible on the form or survey where the PII is collected, whether on a Web site or paper document.

If you have questions about or would like assistance with this PTA Template, the PTA process, or other privacy compliance requirements please contact the USAID Privacy Office at privacy@usaid.gov.

4.1.2 Collecting Social Security Numbers

It is unlawful to deny any right, benefit, or privilege provided by law to any individual because of that individual's refusal to disclose his or her Social Security Number (SSN), unless disclosure is 1) required by statute; or 2) made to any Federal, state, or local agency maintaining a system of records in existence and operating before January 1,

1975, if such disclosure was required under statute or regulation adopted before that date for the purpose of verifying an identity.

Before requesting a SSN, even if it will not go into a system of records, USAID must provide notice to the individual about the SSN request which includes:

- The law or authority for collecting the SSN.
- How USAID will use the SSN.
- Whether providing the SSN is mandatory or voluntary.

Notice regarding the collection, use, and authorization of SSNs must be incorporated into the Privacy Act Notice.

4.1.3 Example of a USAID Privacy Act Section (e)(3) Statement or Notice

PRIVACY ACT STATEMENT

Authority: 22 U.S.C. 2651; 5 U.S.C. 301; 5 U.S.C. 5379; and E.O. 9397, as amended, for the Social Security Number (SSN).

Purpose: To collect, use, maintain, and disclose information to determine whether you are eligible to participate in the Student Loan Repayment Program (SLRP).

Routine Uses: The personal information and SSN are used by the U.S. Agency for International Development (USAID) to determine eligibility for SLRP, to maintain administrative records, to perform other administrative functions inherent in the administration of this program, and to make payments on your behalf. This information will be made available to the Internal Revenue Service for tax and withholding purposes and to the Office of Personnel Management. Additionally, this information may also be used within USAID for study purposes, such as projection of staffing needs, and/or creation of non-identifiable statistical data for reports to other Federal agencies and Congress.

Disclosure: Disclosure is voluntary for both personal information and the last four digits of your SSN, but failure to provide certain information may result in the denial of your application and no SLRP incentive payment(s) made on your behalf.

4.1.4 Location of PA Statement within form or survey

The PA Statement must be located directly under the title of the form or survey, unless there is a statement directly under the title of the form or survey that directs the reader to the location within the form or survey where the PA Statement can be found.

4.1.5 Using this Word Template

This PA Statement form is a fillable Word template, which means that you can fill in the information in the appropriate fields, save the document, and submit the PA Statement electronically as an e-mail attachment. To create a PA Statement Word document from this PA Statement Template, use the following steps:

1. Click on **File** and then **Save As**.

2. In the **Save As** window save your PTA using the name provided; just update the date and version number with D for draft.
3. Then select **Word Document (*.docx)** from the **Save as type:** drop-down list.

4.1.6 Completing the PA Statement Template

This PA Statement Template has various fields to be completed. First, fill in or update the fields on the Title Page, Headers and Footers, and Change History Page.

- Fill in or edit, if appropriate, the Program Name section on the title page. Update the Version number on the title page. The Approved date on the title page will be completed at the end of the process.
- Fill in the Program Name field in the Header, and the Date field in the Footer. The date in the Footer should be the date you send this PTA to the Privacy Office for review.
- Update the Change History page to reflect your new version of this PTA. The date in the Change History should be the date you send this PTA to the Privacy Office for review.

Complete the contact information in Section 2: Contact Information and Approval Signatures. Insert the appropriate Name, Title, Office Name, Office Phone Number, and E-Mail address for the Program Manager and System Owner.

Continue to Section 3: Information, and answer the questions.

4.1.7 Answering the Questions

When completing this template, please respond to each question as if speaking to a member of the general public who is learning of this system for the first time.

- Each question has an answer box for textual descriptions.
- Each section includes assistance ([in blue text](#)) on how to answer the question.
- Answer each question fully and completely. Answer each question with sufficient detail to permit the Privacy Office to analyze the possible privacy issues.
- Spell out each acronym the first time it is used in the PA Statement.
- Define technical terms or references, and keep in mind readers may not understand technical terms until they are explained.
- Use short and simple sentences.
- Use Spell Check and Grammar Check before submitting the PA Statement for approval.

4.1.8 Help Interpreting the Questions

The questions include explanations of the type of information that is required and an example paragraph. At the end of each question, is a reference to the Privacy Controls,

which provide more information on the topic. For more information on the Privacy Controls, please see [Appendix C Security and Privacy Controls](#).

4.2 APPENDIX B PERSONALLY IDENTIFIABLE INFORMATION (PII)

Information which can be used to distinguish or trace an individual's identity, such as their name, Social Security Number, biometric records, etc. alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name, etc. Same as "information in an identifiable form" and records about individuals in a "system of records".

The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. In performing this assessment, it is important for an agency to recognize that non-PII can become PII whenever additional information is made publicly available — in any medium and from any source — that, when combined with other available information, could be used to identify an individual.

Definition from [ADS 508 Privacy Program](#) Section 508.6 DEFINITIONS.

4.3 APPENDIX C SECURITY AND PRIVACY CONTROLS

Security and Privacy Controls for Federal Information Systems and Organizations (September 2020). NIST SP 800-53, Rev. 5, is available at

<https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-53r5.pdf>

Note: Compared to revision 4, the fifth revision places more emphasis on privacy. It's designed to bring privacy to the forefront of both implementation and system designs.

Previously, there was a separate appendix in revision 4 for all privacy controls. But these controls were not included in the security controls. In the newest version, privacy control families and security controls were used jointly in the main body of controls.