

88 STAT. 1909
Compensation.

88 STAT. 1910
Effective date.
5 USC 552a
note.

(4) (1) Each [the] member of the Commission who is an officer or employee of the United States shall serve without additional compensation, but shall continue to receive the salary of his regular position when engaged in the performance of the duties vested in the Commission.

(2) A member of the Commission other than one to whom paragraph (1) applies shall receive per diem at the maximum daily rate for GS-18 of the General Schedule when engaged in the actual performance of the duties vested in the Commission.

(3) All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(g) The Commission shall, from time to time, and in an annual report, report to the President and the Congress on its activities in carrying out the provisions of this section. The Commission shall make a final report to the President and to the Congress on its findings pursuant to the study required to be made under subsection (b) (1) of this section not later than two years from the date on which all of the members of the Commission are appointed. The Commission shall cease to exist thirty days after the date on which its final report is submitted to the President and the Congress.

(h) (1) Any member, officer, or employee of the Commission, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by this section, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than \$5,000.

(2) Any person who knowingly and willfully requests or obtains any record concerning an individual from the Commission under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000.

Sec. 6. The Office of Management and Budget shall—
(1) develop guidelines and regulations for the use of agencies in implementing the provisions of section 552a of title 5, United States Code, as added by section 3 of this Act; and

(2) provide continuing assistance to and oversight of the implementation of the provisions of such section by agencies.

Sec. 7. (a) (1) It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.

(2) the provisions of paragraph (1) of this subsection shall not apply with respect to—

(A) any disclosure which is required by Federal statute, or

(B) the disclosure of a social security number 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 prior to such date to verify the identity of an individual.

(b) Any Federal, State, or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it.

Per diem.

5 USC 5332
note.

Travel expenses.

Report to President and Congress.

Penalties.

5 USC 552a
note.

Ante, p. 1897.

5 USC 552a
note.

Sec. 8. The provisions of this Act shall be effective on and after the date of enactment, except that the amendments made by sections 3 and 4 shall become effective 270 days following the day on which this Act is enacted.

Sec. 9. There is authorized to be appropriated to carry out the provisions of section 5 of this Act for fiscal years 1975, 1976, and 1977 the sum of \$1,500,000, except that not more than \$750,000 may be expended during any such fiscal year.
Approved December 31, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-1416 accompanying H.R. 16373 (Comm. on Government Operations).

SENATE REPORT No. 93-1183 (Comm. on Government Operations), CONGRESSIONAL RECORD, Vol. 120 (1974):

Nov. 21, considered and passed Senate.

Dec. 11, considered and passed House, amended, in lieu of H.R. 16373.

Dec. 17, Senate concurred in House amendment with amendments.

Dec. 18, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 1: Jan. 1, Presidential statement.

Legislative History
of the

PRIVACY ACT

P.L. 93-579

Subsection 201(g). Provides that each Federal agency covered by this Act which maintains a personal information system or file shall make reasonable efforts to serve advance notice on the subject of information before it disseminates or makes available a file or any data on that person pursuant to compulsory legal process. The purpose of this section is to permit an individual advance notice so that he may take appropriate legal steps to suppress a subpoena for his personal data. When it undertakes itself to notify the individual, it may require that the cost burden of such efforts must be borne by the requesting agency or person.

The committee intends subsection (g) to impose stricter requirements upon the disclosure of information to protect it from the searches of random investigators who may obtain information from friendly employees or who may simply flash a badge or use influence to obtain such information. However, the subsection is not intended to require compulsory legal process where it is not presently required. Nor is it intended to loosen any present restrictions imposed by statute or regulation whereby information may only be obtained through court order or other legal process. This subsection reflects the Committee's agreement with the HEW report recommendation which was found necessary "to assure that an individual will know that data are being sought by subpoena, summons, or other compulsory legal process, so as to enable the person to assert whatever rights are available to prevent disclosure of the data if such actions seem desirable.

This section is intended to apply to all personal information held by an agency, including administrative, statistical and research data. It is intended to be a separate safeguard independent of any other exemptions in the Act in order to carry out the principle that an individual should be put on notice whenever any agency official is under judicial compulsion to surrender data, and to know whenever personal data will be put to uses unknown to the individual and not specified by the agency in its published notices. In summary, it is designed to assure that the person will be able to exercise rights under this Act to check the data for accuracy or to monitor its further use and redisclosure by the requesting agency or person. Since it is not intended to subtract from existing legal safeguards covering such information demands, it is also intended to allow the individual to exercise any existing rights under Federal and State laws and regulations to challenge the issuance of administrative or judicial orders.

Subsection 201(h). Provides that no person may condition the granting or withholding of any right, privilege, or benefit, or make as a condition of employment the securing by any individual of any information which may be obtained through the exercise of any right secured under the provisions of section 201. It reflects the committee's intention to protect the data subject from coercion by Government agencies or private businesses and organizations who may condition rights, privileges, benefits or considerations otherwise due the person equally with all other citizens upon the obtaining of a personal file or data. This subsection reflects the concerns of administration and agency spokesmen who feared that opening up the individual's personal files which have been protected from disclosure to that person or to others in society would subject the person to all kinds of demands for medical and other personal records. Since the committee's intent is to make certain inroads into the well-meaning paternalism of Federal agencies