

T3.7 Privacy and Freedom of Information

A Protection of Individual Privacy

1 General Revised 10/2016

2 Implementing Rules

B Clauses

C Forms

---

## **T3.7 Privacy and Freedom of Information**

### **A Protection of Individual Privacy**

#### **1 General** Revised 10/2016

a. The Privacy Act provides safeguards for individual privacy when the FAA contracts for the design, development, and/or operation of a system of records on individuals on behalf of the FAA to accomplish a program function. The Act requires that the contractor follow all of the rules on privacy that apply to the FAA.

b. An FAA employee may be criminally and/or civilly liable for violations of the Act. When the contract provides for operation of a system of records on individuals, contractors and their employees are considered employees of the FAA for purposes of the criminal penalties of the Act.

c. The Contracting Officer must review requirements to determine whether a contract will involve the design, development and/or operation of a system of records on individuals. If one or more of these tasks will be required, the Contracting Officer must insure that the contract specifically identifies the system of records on individuals and the design, development, and/or operation work to be performed. The statement of work must identify the FAA rules and regulations implementing the Privacy Act.

d. *Information Technology* Agencies must ensure that contracts for information technology address protection of privacy in accordance with the Privacy Act (5 U.S.C. 552a) and Part 24. In addition, each agency shall ensure that contracts for the design, development, and/or operation of a system of records using commercial information technology services or information technology support services include the following: (a) Agency rules of conduct that the contractor and the contractor's employees shall be required to follow. (b) A list of the anticipated threats and hazards that the contractor must guard against. (c) A description of the safeguards that the contractor must specifically provide. (d) Requirements for a program of FAA inspection during performance of the contract that will ensure the continued efficacy and efficiency of safeguards and the discovery and countering of new threats and hazards.

#### **2 Implementing Rules**

The Department of Transportation's implementing rules and regulations for the Privacy Act are contained at 49 CFR Part 10.

### **B Clauses**

[view contract clauses](#)

### **C Forms**

[view procurement forms](#)