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**From:** [REDACTED]  
**Sent:** Wednesday, September 27, 2017 2:38:31 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Bcc:**  
**Subject:** RE: Tableau Project Question

Hi

Thanks for the question. We did some preliminary research on the limited facts we have, and our informal advice is as follows. Under the Privacy Act (5 U.S.C. § 552a), in order to disclose records within the agency, the records must either be needed to do the job or we must be able to show that there is a “routine use” for that information. § 552a(b)(1), (3). Note that compiling data into a new kind of records counts as “disclosure” under the Privacy Act. Sullivan v. United States Postal Serv., 944 F. Supp. 191, 196 (W.D.N.Y. 1996) (“the imparting of information which in itself has meaning and which was previously unknown to the person to whom it is imparted.”).

We “need to know” labor records when we are looking at them in connection with performing duties assigned to us, and if the information disclosed is necessary to do those duties. See, e.g. Doe v. U.S. Dep’t of Justice, 660 F.Supp.2d 31, 45 (D.D.C. Oct. 6, 2009) (*citing* Bigelow v. Dep’t of Defense, 217 F.3d 875, 877 (D.C. Cir. 2000); Pippinger v. Rubin, 129 F.3d 519 (10<sup>th</sup> Cir. 1997)). With the limited facts we have from our conversations, the “need to know” standard is likely met, but your office would be in the best position to say whether or not the new report is necessary.

“Routine use” means that the record is being used in a way that is “compatible with the purpose for which it was collected. § 552a(a)(7). We show that compatibility by publishing the use of that kind of information in a Systems of Record Notice (SORN) in the Federal Register. Treas. Reg. § 601.702.

“Routine use” includes disclosing within the agency “information relevant or necessary to hiring or retaining an employee” in order to “administer personnel and payroll programs” and thus authorized under the Privacy Act. [Treasury/IRS 36.003](#), 80 FR 54101 (Sept. 8, 2015).

“Routine use” also includes disclosing within the agency “information relevant or necessary to the requesting agency’s hiring or retaining an employee” in order to “preparing individual administrative transactions relating to education and training . . .

[and] providing a data source for the production of reports, statistical surveys, rosters, documentation, and studies required for the orderly personnel administration within Treasury” and thus authorized under the Privacy Act. [Treasury .001](#), 81 Fed. Reg. 78267 (Nov. 7, 2016).

Based on our understanding of the preliminary facts we have, it appears that the use you described would be routine, so we don't see Privacy Act barrier for this new report. Please let me know if you have any further questions.