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Multi-Method Evaluation of Federal Web Sites in Terms of Access for Individuals to Records Maintained by Executive Agencies

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MULTI-METHOD EVALUATION OF FEDERAL WEB SITES IN TERMS OF ACCESS FOR
INDIVIDUALS TO RECORDS MAINTAINED BY EXECUTIVE AGENCIES

By

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ABSTRACT

This dissertation examined access for individuals through federal web sites to records maintained by Executive agencies that contain personal information as defined by the Privacy Act of 1974 (5 U.S.C. § 552a). Privacy Act statutory provisions, as amended in 1988 provide individuals rights of access to records that contain personal information about or relative to the individual where individuals must first make a request for access and agencies must then address the request, i.e. to either fulfill or deny the request. The primary body of laws, Congressional oversight, judicial interpretations, research, and debate related to access via the Privacy Act emphasize agencies’ response to requests for access. Very little work addresses how agencies provide individual’s information on how to request access.

This study takes an exploratory approach that employs an iterative, multi-method evaluation of selected Executive agencies to understand access for individuals through agency web sites to agency records that contain personal information. The methods in this study include a policy analysis, usability study, Web-content review, and Privacy Act request review.

Data analysis results include key findings, key issues, and suggested recommendations that specifically address identified Privacy Act access related issues. Key findings include:

1. The Privacy Act remains virtually unchanged since 1988 yet the information policy environment has changed dramatically from direct contact with agencies to the electronic delivery of government information services and resources through agency web sites referred to as E-Government.

2. There are no mandated Privacy Act statutes that require clearly identified and dedicated web space across departments and agencies for posting all Privacy Act related information resources.

3. Privacy Act statutes do not adequately provide protections of individuals’ personal information as intended by Congress.

4. There are no mandated procedures for all departments and agencies to follow in presenting information related to how agencies provide information to individuals on how to submit a request.
5. Very little information is available for individuals that explain the relationship between FOIA requirements and Privacy Act requirements and how this relationship as applied independently by departments and agencies affect the Privacy Act request process. To gain an understanding of the request process for individuals, the research of this study focused on how selected federal agencies provide information related to an individual’s request for access to records through federal web sites, the success of agencies provision of the request information, and how the provision affects the interaction between individuals and agencies.
CHAPTER 1
INTRODUCTION: PROBLEM SIGNIFICANCE, STUDY PURPOSE, GOALS, RESEARCH QUESTIONS, AND RESEARCH METHOD OVERVIEW

Problem Statement and Significance

The problem this study addresses is access through federal web sites to records maintained by Executive agencies that contain personal information as defined by the Privacy Act of 1974 (5 U.S.C. § 552a). Privacy Act statutory provisions, as amended in 1988 provide individuals a right of access to records that contain personal information about or relative to the individual where individuals must first make a request for access and agencies must then address the request, i.e. to either fulfill or deny the request (5 U.S.C. § 552a). The primary body of laws, Congressional oversight, judicial interpretations, research, and debate related to access via the Privacy Act emphasize agencies’ response to requests for access. Of the extensive body of work related to agencies’ response to requests for access, very little addresses the success with which agencies provide access to agency records. This study addresses the success with which agencies provide Privacy Act access to agency records through federal web sites (Agriculture, 2007; Department of Justice, 2004b; H.R. 109-226).

The Constitution of the United States contains no provision expressly establishing a procedure for, or a right of, public access to government information (Relyea & Kolakowski, 2007). Congress nevertheless passed two information access-specific statutes, the Freedom of Information Act of 1966 (FOIA) (5 U.S.C. § 552) and the Privacy Act. The Privacy Act contains provisions to “balance the government's need to maintain information about individuals with the rights of individuals to be protected against unwarranted invasions of their privacy stemming from federal agencies' collection, maintenance, use, and disclosure of personal information about them” (Department of Justice, 2004b).

Provisions of the Privacy Act require agencies to protect individuals against unwarranted invasions of their privacy due to agencies collection of personal information by limiting what agencies collect and by requiring the development of agency guidelines to protect access to and sharing of the information (5 U.S.C. § 552a(b,e)). Provisions also provide a right of access for individuals to agency records that contain personal information about them and a process to amend the information where amend means “make any correction of any portion thereof which
the individual believes is not accurate, relevant, timely, or complete” (5 U.S.C. § 552a(d)(2)) . In order for an individual to learn what personal information agency records contain about them and how to amend the information, individuals need to know how to request the records.

In 1996, Congress passed the Electronic Freedom of Information Act Amendments (E-FOIA) with provisions that require agencies to provide electronic access to government services and resources through federal web sites. The Paperwork Reduction Act of 1995 (44 U.S.C. § 3501 et seq.) (PRA) and the E-Government Act of 2002 (PL 107-347) include statutory provisions for the effective and efficient delivery of electronic access to government information for individuals through federal web sites. Together, implementations of the statutory provisions of these laws create an electronic, information-access policy environment typically referred to as E-Government where individuals increasingly interact with government agencies for access to government services and resources through federal web sites. (Department of Justice, 2004b; Ferrao, 1999; Jaeger, McClure, and Fraser, 2002; Relyea & Kolakowski, 2007)

Agencies typically provide access to records through federal web sites in the form of guidance procedures. Guidance procedures, for purposes of this study refer to procedures that provide information about statutory provisions of the Privacy Act related to requests for access to information, information of how agencies must respond to requests, and/or information on how individuals may submit requests.

This study takes an exploratory approach that employs an iterative, multi-method evaluation of selected Executive agencies to understand Privacy Act defined access through federal web sites to records maintained by Executive agencies that contain personal information. To gain this understanding, the research of this study focuses on how selected federal agencies provide access to records through federal web sites and how the provision affects the interaction between individuals and agencies.

Chapter 2 of this study, the Literature Review, presents an overview of selected areas of the privacy policy environment related to access to agency records. Chapter 3 of this study presents an overview of the methodology developed to assess access for individuals to agency records through federal web sites. Appendices A-D provides the data collection results by data collection method and chapters 4-6 provide analyzed findings of all data collection efforts. Chapter 7 presents an analysis of identified and the methodology of the study. In addition,
chapter 7 provides recommendations to improve Privacy Act access to agency records, suggested future research efforts, and benefits/impacts of the study.

**Study Purpose, Goals, and Objectives**

The purpose of this study is to assess access for individuals through federal web sites to records maintained by agencies that contain personal information about the individuals in terms of Privacy Act requests. An exploratory review and search of selected federal web sites reveals Executive agencies do provide some guidance to individuals relative to access to agency records. No available studies, however, assess how the agencies provide access through federal web sites or the success of the provision of access.

The goal of this study is to improve access to agency records for individuals through federal web sites. Objectives to meet this goal include:

1. Identify issues that affect access to agency records, such as statutory provisions of relevant E-Government laws and exemptions of laws.
2. Identify and review types of guidance procedures and their presentations available to individuals through agency web sites.
3. Evaluate the usability and usefulness to individuals of agency guidance procedures presented through federal web sites.
4. Evaluate the implementation process for procedures that contain information for individuals on how to submit Privacy Act requests.
5. Evaluate how agencies respond to submitted Privacy Act Requests.
6. Provide practical recommendations to improve development of federal policy for access, access for individuals to agency records, and agency provision of access through federal web sites.

The above objectives guide the research of this study. Data collection methods developed for this study address each of the above objectives.

**Background and Overview of Issues**

The literature review of this study (see chapter 2) presents an overview of selected areas of the privacy policy environment related to access to agency records. The policy analysis of the
study provides an assessment of selected key issues from the areas presented by the literature review. Selected areas include:

- Privacy Act statutory access to records: key terms;
- Privacy Act statutory provisions specific to access to agency records;
- Privacy Act related laws in terms of affects on access to agency records;
- Exemptions and other factors that affect access to agency records;
- E-Government imperative and initiatives specific to access through federal web sites;
- Guidelines for implementation of Privacy Act provisions; and
- Non-Privacy Act sources of guidance for individuals on how to request access.

Results of the literature review and policy analysis provide insights on the relationship between Privacy Act statutes and the federal information policy environment.

**Privacy Act Statutory Access to Records: Key Terms**

Definitions and descriptions presented below directly relate to Privacy Act statutory provisions in terms of access to agency records. The purpose of the Privacy Act “focuses on four basic policy objectives” (Department of Justice, 2004b):

- Restrict *disclosure* of personally identifiable records maintained by agencies (5 U.S.C. § 552a(b));
- Grant individuals increased rights of *access to agency records* (5 U.S.C. § 552a(d)(1));
- Grant individuals the right to seek *amendment* of agency records when personal data in the records is not accurate, relevant, timely, or complete (5 U.S.C. § 552a(d)(2)); and
- Establish a code of *fair information practices* which requires agencies to comply with statutory norms for collection, maintenance, and dissemination of records (Department of Justice, 2004b).

This study primarily addresses *access to agency records*. Adequate assessment of access to records, however, requires understanding the relationships between the policy objectives. Analysis of relationships between policy objectives occurs in the policy analysis.

An understanding of relationships between the four basic policy objectives presented above depends on key Privacy Act definitions related to access to agency records that includes:

- Maintain – refers to records that contain personal data and “includes maintain, collect, use or disseminate” (5 U.S.C. § 552a(a)(3));
• Record – any item, collection, or grouping of information about an individual that an agency maintains. The definition of a record includes information related to, “education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.” (5 U.S.C. § 552a(a)(4));
• System of records – “a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual” (5 U.S.C. § 552a(a)(5)); and
• Matching program – “means any computerized comparison of two or more automated systems of records or a system of records with non-Federal records….” (5 U.S.C. § 552a(a)(8)).

Implementation of procedures by agencies to identify systems of records affects access to agency records in terms of the availability of agency records for access. Matching program procedures affect disclosure in terms of shared use of personal data maintained in agency records.

Guidance procedures for this study refer to procedures presented in or through agency web sites where these procedures generally provide information on or about:
• Actual Privacy Act statutory provisions related to requests for access from individuals;
• How agencies must respond to requests from individuals; and
• Steps individuals should follow to submit requests where submission of a request includes access to records, an amendment process; and a litigation process if the agency denies the request.

Privacy Act statutory provisions direct each Executive agency to develop guidelines, or procedures to implement the agency’s response to requests for access to agency records (5 U.S.C. § 552a(f)). Privacy Act provisions also direct the Office of Management and Budget (OMB) to provide guidance and oversight to agencies in terms of developing guidelines and procedures related to response by agencies (5 U.S.C. § 552a(v)).

According to the GPO Access glossary of budgetary terms (i.e. Government Printing Office federal information search site), E-Government “refers to the federal government’s use of information technologies (such as Wide Area Networks, the Internet, and mobile computing) to
exchange information and services with citizens, businesses, and other arms of government” (2003). Improving government through the use of information technologies is referred to as the E-Government Imperative where E-Government is more about better, more effective government than the electronic delivery of government services and resources (UNESCO, 2003; UNPAN, 2003). For purposes of this study, E-Government refers to better, more effective government through use of information technologies and the electronic delivery of government services and resources (GPO Access, 2003; UNESCO, 2003; UNPAN, 2003). For clarification purposes, the E-Government Act refers to the 2002 federal law.

In terms of E-Government, the research of this study narrowly focuses on the E-Government imperative, E-Government initiatives, and Privacy Act related statutory provisions of selected E-Government laws as they specifically pertain to Privacy Act related access to information. In addition, the research of this study addresses the broader implications of E-Government as the federal government’s use of information technologies, or E-Government as better, more effective government for the electronic delivery of government services and resources per GPO Access, UNESCO (United Nations Educational, Scientific and Cultural Organization), and UNPAN (United Nations Public Administration Network).

Privacy Act Statutory Provisions

The Privacy Act includes statutory provisions on how agencies must respond to requests from individuals for access to agency records (5 U.S.C. § 552a(a)(d)(1)). The statutes also include provisions for agencies that specify exemptions for denial of access to specific agency records (5 U.S.C. § 552a(a)(k)). Provisions that require agencies to provide access coupled with exemptions that deny access provide statutory guidance to agencies on when to grant access to records and the steps agencies must take when they receive a request. In addition, the Privacy Act contains provisions that require OMB to provide oversight and guidance to agencies on when and how to respond to requests (5 U.S.C. § 552a(a)(v)).

Section 5 U.S.C. § 552a(a)(d)(1) [below] provides the entirety of the Privacy Act record request provision that states:

(d) Access to records: Each agency that maintains a system of records shall--
(1) upon request by any individual to gain access to his record or to any information pertaining to him which is contained in the system, permit him and
upon his request, a person of his own choosing to accompany him, to review the record and have a copy made of all or any portion thereof in a form comprehensible to him, except that the agency may require the individual to furnish a written statement authorizing discussion of that individual's record in the accompanying person's presence;

Section (d)(1), as presented above provides insight to an individual that the initialization of a request for access occurs when an individual makes a request. Provisions of the statutes, however, contain no statutory language on how individuals should make a request, or how agencies or OMB should provide guidance to individuals on how to make a request, i.e. how to contact the agency and/or what an agency requests of an individual as to content and format of a request document. (Department of Justice, 2004a)

**Privacy Act Related Laws**

Table 1.1 below presents an overview of selected E-Government laws related to access to agency records through federal web sites.

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<th>Federal Law</th>
<th>Available From</th>
<th>Description</th>
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<tr>
<td>Privacy Act as amended in 1988</td>
<td><a href="http://www.usdoj.gov/oip/privstat.htm">http://www.usdoj.gov/oip/privstat.htm</a></td>
<td>Added protections for electronically shared agency records</td>
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</table>
amended the Privacy Act by adding protections for electronically shared agency records. In 1996, Congress passed the Electronic Freedom of Information Act of 1996 (5 U.S.C. § 552)(E-FOIA) with provisions that require agencies to provide electronic access to government information services and resources. In addition, statutes of laws, such as the Paperwork Reduction Act of 1995 (44 U.S.C. § 3501 et seq.) (PRA) and the E-Government Act of 2002 (PL 107-347) require the effective and efficient delivery of electronic access to government information for individuals through federal web sites.

Exemptions and Other Factors that Affect Access

Provisions of the Privacy Act and FOIA provide for access to records; however, requirements of both acts also include exemptions that restrict access to records. Exemptions, when applicable, prevent access to records maintained in a system of records. In addition to FOIA and Privacy Act exemptions, laws related to national security, such as the USA Patriot Act of 2002 (PL 107-56) and Homeland Security Act of 2002 (PL 107-296) also contain exemptions that can limit or prevent access to information held in systems of records.

Exemptions, however, are not the only limitations to an individual’s access to records. According to Privacy Act statutes, only records contained in defined systems of records are available for access. For example, systems of records not accessed by a personal identifier do not fall within Privacy Act statutory provisions. Another example occurs with definitions that contradict Privacy Act statutory definitions, such as similar definitions produced by other federal laws, judicial interpretations of the meaning and/or application of the definitions. In addition, issues such as the execution of Executive orders by agencies to exempt or limit access during periods of war or due to national security alerts affect an individual’s access to personal data.

E-Government Imperative and Initiatives

In 2001, OMB, along with input from other federal agencies developed 25 E-Government initiatives in five general areas to promote the delivery of E-Government services and resources through government web sites as a means of addressing the E-Government imperative. Of these five areas, Government to Citizen, Government to Government, and Internal Efficiency and
Effectiveness specifically address how individuals interact with government and promote citizen-centered government.

The goal of these initiatives focuses on the elimination of redundant systems in agencies and the improvement of government’s quality of customer service for citizens. The intent of these initiatives is to provide guidance that improves the efficiency and effectiveness of: 1) agency-to-agency internal interaction and communication, and 2) citizen-to-agency interaction and communication through government web sites. (E-GOV, 2007a,b,c)

The vision for government reform of President Bush’s administration (i.e. July 10, 2002) focuses on three initiatives, “Government should be citizen-centered, results-oriented, and market-based” (E-GOV, 2007c). In December 2002, President Bush signed H.R. 2458, known as the E-Government Act. Congress’ intent in passing the E-Government Act includes “establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services” (PL 107-347).

The E-Government Act addresses the President’s three initiatives of the vision for government reform and Congress’ intent to enhance citizen access to government information (Office of the Press Secretary, 2002; PL 107-347). The Office of the President, OMB, and other Executive agencies developed and issued initiatives intended to improve citizen to government interaction and citizen access to government information. These initiatives focus on affects of information technologies on access for individuals through government web sites and the effectiveness and efficiency of the provision of access.


A search of selected federal web sites reveals that agencies do typically provide guidelines related to Privacy Act requests through their web sites. Agencies, however, often present multiple forms of guidance. An examination of selected Department of Agriculture, Department of Justice, and Whitehouse web sites find that each of these agencies provide multiple forms of guidance procedures. Types of guidance typically found through these and other federal web sites include links to some or all of the following:

1. Privacy Act text – the web site or a procedure contains a link to the actual text of the Privacy Act.
2. Privacy Act explained – the procedure provides an explanation of the statutory provisions of the Privacy Act.

3. Executive agency developed procedures – the procedure contains department-developed guidance on how agencies respond to requests.

4. Non-executive agency developed procedures – generic procedures typically produced by OMB that provide information for agencies on how to respond to requests.

5. Instruction for individuals – the procedure only contains instruction (i.e. no forms) specific to how individuals should submit Privacy Act requests.

6. Forms for individuals – the procedure contains forms specific to how individuals should submit Privacy Act requests.

A primary issue with these multiple presentations lies with the content in each presentation. In addition, each agency varies in how they present the information, in the number and types of access points for the information, in the format of the different presentations of the information, and in the content of the presentations. Questions, such as the following arise related to the use and usefulness of multiple presentations of guidance for individuals:

1. Can individuals easily locate guidance procedures in web sites?
2. Once located, will individuals sense, or intuit the availability of other, perhaps more useful types of guidance procedures available through the web sites?
3. Will individuals expand their search of the sites to locate other privacy guidance procedures?
4. How useful do individuals find the content of located information related to privacy?
5. Do multiple presentations of guidance procedures confuse individuals?

These and other questions guide the development of this study’s exploratory approach to understand access for individuals through federal web sites to agency records.

**Non-Privacy Act Sources of Guidance for Individuals**

Non-Privacy Act sources of guidance refer to non-statutory guidance developed to help individuals request access to agency records. Non-Privacy Act agency sources of guidance include:

- Federal guides – the Committee on Government Reform and Oversight of the House of Representatives created a Citizens’ Guide on Using the Freedom of Information Act and
the Privacy Act of 1974 to Request Government Records (Committee, 2005) to help
individuals with FOIA and Privacy Act requests (H.R. 109-226);

- Federal web sites – web sites such as USA.gov, Government Information Locator Service
  (GILS), and GPO Access provide links to information related to access to agency records
  and to other government information services and resources; and

- Private organizations – privacy oriented organizations, such as privacy.org and the
  Electronic Privacy Information Center (EPIC) provide information to individuals on how
  to make requests to access agency records and other government information services and
  resources.

Each of the non-Privacy Act agency sources listed above provide information to individuals on
how to access agency records; however, issues occur related to the effectiveness of the guidance
from these sources.

Importance of Research

The policy research of this study has the potential to raise awareness for individuals of
protections offered by provisions of the Privacy Act. The research of this study is important
because results of the study provide:

1. Information and insights related to how federal agencies collect and protect personal data.
2. Information on how to locate Privacy Act related studies and other assessments of
   implemented Privacy Act statutory provisions, i.e. results of studies related to Privacy
   Act compliance that are often difficult to locate (GAO-03-304).
3. Information for individuals of their right of access to agency records, how to access and
   amend the records, and where to locate information related to a litigation process if
   denied amendment.

In addition, the results provide practical recommendations to improve federal policy
development, agency provision of access, and access for individuals to agency records through
federal web sites.

Research Questions

Table 1.2 below presents the relationship between the research questions of this study,
research methods to address the questions, and the objectives of the study.
Table 1.2. Relationship between research questions, evaluation methods, and study objectives.

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To meet the purpose of this study and to achieve the goal and objectives, this study employs the following research questions:

1. How do issues, such as provisions of other federal laws or exemptions of laws affect how agencies provide access for individuals to agency records? (Objectives 1,6)
2. How do agencies provide individuals access to agency records in terms of Privacy Act statutory provisions for access? (Objectives 2,3,4,5)
3. How effective, efficient, and useful are guidance procedures as access points for individuals to records through federal web sites? (Objectives 3,4,5,6)
4. How can agencies improve access for individuals through federal web sites to records maintained by agencies in terms of the Privacy Act? (Objective 1-6)

The research questions presented above guide the development of the methods of this study and the analysis of the results of data collection efforts.
Measuring Privacy Act Statutory Access

Measures of access for this study refer to measures directly attributed to the success with which agencies provide access to agency records for individuals through federal web sites in terms of statutory provisions of the Privacy Act. Measures of access provide quantifiable data on individuals’ ability to effectively navigate through a web site and locate guidance procedures on how to make a Privacy Act request; the efficiency, or time it takes to complete the process; and the usefulness of the procedures when located.

Measures of access to records occur from three distinct perspectives: 1) the privacy policy environment; 2) the agency perspective of presented guidance procedures for individuals’ request for records; and 3) the individual’s perspective on how to make a request. Evaluation methods employed in this study that provide measures of access include:

1. Policy Analysis – provides an assessment of selected key issues from the areas presented by the literature review related to access to agency records through federal web sites.

2. Usability Study – provides quantitative and qualitative measures related to the usability of web sites (i.e. navigation through the web site, availability of features such as search and help) and the efficiency in the provision of procedures (i.e. time it takes to locate procedures). In addition, the usability study provides measures of the usefulness of guidance procedures.

3. Web-content Review – provides quantifiable measures of types of guidance procedures and the presentations of each type that agencies make available to individuals through agency web sites. In addition, provides measures of comparisons across selected agencies by types of guidance.

4. Privacy Act Requests – provides quantitative and qualitative measures relative to steps taken to implement procedures that inform individuals on how to submit requests, such as number of steps or errors following procedures. Also includes the submission of requests to agencies to assess the response by agencies to the agency’s request process.

Results of the methods guide the development of recommendations to improve access to agency records.
Overview of Research Methods and Data Collection

To measure access to agency records through federal web sites, the study utilizes a Policy Analysis, Web-content Review, Usability Study, Privacy Act Requests, and submitted requests.

Policy Analysis

The study begins with a policy analysis where Anderson (2006) defines policy as “a course of action followed by government in dealing with some problem or matter of concern” (p.261). The policy analysis covers key issues from selected areas of the policy environment as identified from the study’s literature review. Some examples of areas for analysis include:

- Defining Privacy Act Statutory Access to Records: Key Terms;
- Privacy Act statutory provisions specific to access to agency records;
- Privacy Act related laws in terms of affects on access to agency records;
- Exemptions and statutory provisions of Privacy Act related laws;
- E-Government imperative and initiatives specific to access through federal web sites;
- Guidance procedures provided by agencies through federal web sites; and
- Non-Executive agency sources of guidance for individuals on how to request access.

The purpose of the policy analysis is to assess the effects of key issues from the policy environment on how agencies provide access to agency records through federal web sites. Steps for planning and conducting the policy analysis include: 1) identify issues relative to individuals’ access to agency records through federal web sites; and 2) analyze the potential affects of each issue on Privacy Act access to agency records.

Usability Study

The usability study provides quantitative and qualitative measures on how agencies present guidance procedures through their web sites. Measures include:

- Effectiveness with which agency web sites aide users in locating guidance procedures on how to access agency records (i.e. navigation through the web site, availability of features such as search and help); and
- Efficiency with which agency web sites aide users in locating guidance procedures on how to access agency records (i.e. time it takes to locate procedures or number of steps required).
In addition, the usability study provides measures of the usefulness of and/or satisfaction with the guidance procedures.

Federal usability sources, such as those available from USA.gov and Usability.gov guide the development of the usability protocol. Additional sources, such as Nielsen’s Designing Web Usability (2000) also inform the development of the usability protocol. The usability study runs concurrent with the web-content review. Steps to take for planning and conducting the Usability study include:

1. Randomly select four agencies from each Executive department and the Whitehouse.
2. Identify areas of focus for the usability study based on the results of the policy analysis and web-content review.
3. Develop and pre-test the usability protocol with four individuals, where a minimum of two have experience in developing and implementing usability tests and a minimum of two have experience and/or extensive knowledge of the federal policy environment.
4. Conduct usability study.
5. Analyze results.

Steps to pre-test the usability protocol for validity and reliability include the identification of “people who come from a similar background” as the researcher (Lazar & Preece, 2001, p.144). Individuals selected to pre-test the study have experience in conducting usability studies and/or federal policy research to provide validity and reliability for the usability study.

**Web-content Review**

The web-content review provides quantifiable measures of the types of guidance procedures agencies offer through web sites, the presentation of these types of guidance in web sites, and provides measures of comparisons across selected agencies by types of guidance. The web-content review runs concurrently with the usability study and utilizes the same sample. Steps for planning and conducting the web-content review include:

1. Develop data collection instruments to aggregate types and presentations of guidance procedures for each selected web site.
2. Pre-test the data collection instruments with four individuals, where a minimum of two have experience in developing and implementing web site analysis evaluations and a
minimum of two have experience and/or extensive knowledge of the federal policy environment.

3. Collect the data from the sites.
4. Analyze the results.

Findings from the web-content review provide insights of how federal agencies provide access to agency records through federal web sites. Individuals selected to pre-test the study have experience in conducting web site analysis evaluations and/or federal policy research to provide validity and reliability for the usability study.

**Privacy Act Requests**

Privacy Act requests provide measures of access to agency records relative to procedures that contain information for individuals on how to submit requests and measures related to submitted requests to agencies. Examples of measures of access include number of steps and errors following procedures. Examples of measures of submitted requests include response to request and time of response. The Privacy Act requests runs concurrently with the web-content review and usability study and utilizes the same sample. Steps to take for planning assessments of the Privacy Act requests procedures include:

1. Develop data-collection instruments.
2. Develop method to implement data collection.
3. Test data collection method and instruments.
   a. Review data collection instrument with experts as pre-test of the process (i.e. the same experts as the web-content review and usability study).
   b. Modify data collection method and instruments based on review.
5. Submit requests to agencies.
6. Analyze results of the request procedures and submissions.

Privacy Act requests provide an opportunity to gain an understanding of how agencies provide access to agency records and the request process.
**Justification of Method**

Evaluation design, planning, and implementation are essential to successful evaluation efforts (Carvalho & White, 2004; Bertot & Davis, 2004). A key element of good design involves tailoring the evaluation for the needs of the stakeholders and to fit circumstances of the evaluation environment (Bertot & Snead, 2003; Feinstein, 2002; Patton, 1997). In combination, implementation of planned study methods addresses access to agency records through federal web sites from both the perspective of agencies provision of access and individuals seeking access.

The methods of this study include the collection of both qualitative and quantitative data and the resulting use of these methods provides more robust and informative findings for analysis (Bertot & Snead, 2003; Miles & Huberman, 1994). Data obtained from the usability study, web-content review, and Privacy Act requests includes quantifiable data, or count data where researchers convert the qualitative information into numerical form (Miles, 1994, p.42; Yin, 1994).

Using multiple methods for data collection efforts provides a composite picture far more comprehensive than any single evaluation strategy can provide and when used as part of an iterative process, the evaluations provide opportunities to refine and improve assessments as the study unfolds (Bertot & Snead, 2003). The iterative approach of this study allows the researcher to modify the research methods as needed to meet the objectives of the study as the process of discovery occurs. (Bertot & Snead, 2003)

The methods of this study provide data needed to address the research questions of this study. The policy analysis addresses question 1 by providing an assessment of how issues related to the privacy policy environment can affect access to agency records. The web-content review addresses question 2 by providing data related to the types and kinds of guidance procedures agencies offer through web sites to provide access to agency records.

The usability study and Privacy Act request methods address questions 2 and 3 by providing assessments of how agencies provide access to agency records (i.e. guidance procedures) and how the provision affects individuals’ access to agency records (i.e. effectiveness, efficiency, and usefulness of the procedures). The cumulative results obtained from all of the methods used in this study address question 4, the provision of policy, agency, and individual recommendations to improve access to agency records through federal web sites.
Study Approach

“The policy process involves an extremely complex set of interacting elements over time” (Sabatier & Jenkins-Smith, 1999, p.3); and, “there is not a single process by which public policies are formed (Anderson, 2006, p.2).” The policy process consists of a complex, variable, and diverse environment where policymaking is capable of taking different forms. “Analysts must find some way of simplifying the situation in order to have any chance of understanding it (Sabatier & Jenkins-Smith, 1999, p.4).” To gain an understanding of the policy process, analyst often turn to conceptual frameworks, theories, and models as means of simplifying policy process studies. (Anderson, 2006; Ostrom, 1999; Sabatier & Jenkins-Smith, 1999)

Frameworks, theories, and models consist of sets of propositions developed to assist policy analysts by simplifying areas of study within complex policy environments. Propositions mediate perceptions as part of the simplification process for areas of focus by differentiating between critical and non-critical factors and by defining categories for grouping phenomenon (Anderson, 2006; Ostrom, 1999; Sabatier & Jenkins-Smith, 1999).

Ostrom posits distinctions between frameworks, theories, and models for mediating levels of perceptions in terms of critical factors, defining categories, and grouping phenomenon by analyses where “analyses conducted at each level provide different degrees of specificity related to a particular problem (p.39).” For Ostrom, different degrees of specificity by particular problem include:

- Conceptual frameworks (theoretical frameworks) – provide general lists of variables and universal elements needed to compare theories;
- Theories – specify elements most relevant to specific types of questions and make general assumptions about these elements; and
- Models – develop and use precise assumptions about limited sets of variables and elements.

Based on Ostrom’s distinctions, Sabatier & Jenkins-Smith further refine the differences in terms of variables.

Frameworks range from simple to complex and may or may not develop relationships between variables and often form the basis for comparison of theories. Theories provide coherent relationships between variables where “numerous theories may be consistent with [a] single framework” (Sabatier & Jenkins-Smith, 1999, p.6). Models represent specific situations with
narrower scopes and more precise assumptions than theories. Sabatier & Jenkins-Smith (1999) conceptualizes frameworks, theories, and models as “operating along a continuum involving increasing logical interconnectedness and specificity, but decreasing scope” (p.6).

Review of a number of theories, models, frameworks, and studies related to policy research failed to produce an appropriate existing conceptual framework for this study. Studies, such as those presented by Gouscos, Kalikakis, Legal, and Papadopuolou (2007), present a number of models and frameworks related to the quality and performance of E-Government service offerings; however, none of the available models or frameworks sufficiently describe the problem addressed by this study. The exploratory nature of this study, though, allows the researcher to offer a study approach to guide the study (See Figure 1.1 below). Analysis and suggested revisions of the study approach occurs in chapter 7.

The top tier of the study approach presents factors from the federal privacy policy arena that affect how agencies present privacy related services and resources through agency web sites. Factors assessed by the research of this study include:

- Citizen’s/users needs and inputs for access and amendment rights to agency records that contain personal information about the citizen or user;
- Privacy related federal laws, regulations, and other key issues from the privacy policy environment that affect implementation of Privacy Act provisions; and
- Agency developed guidelines, procedures, and forms that provide information about access for individuals to agency records.

Factors that affect the agency web site-management context of the framework determine how agencies present privacy related services and resources through the agency web sites and perform a crucial role in shaping the Privacy Act access component of federal agency web sites. Agency factors that affect the agency web site-management context, however, are not included as part of the evaluation of the Privacy Act access component of federal agency web sites for the current study.
The methods used in the study provide an assessment of the Privacy Act access component of the framework. The usability study and the Privacy Act requests methods utilize typical measures of usability studies identified and tested for evaluation of federal government web sites by Usability.gov (2007) and measures developed by usability experts, such as Jacob Nielsen (2000) for the assessment of web sites. The web-content review collects count measures of types and kinds of procedures. During the analysis phase of the project, the research includes...
an assessment of the quality of the measures used for data collection in terms of policy research involving federal web sites.

Results of the evaluation methods provide indicators of success related to agency provision of guidance procedures through web sites. Assessment of the success of presented guidance procedures identifies policy issues, agency issues, and citizen/user issues. In addition, assessment of the success of guidance procedures provide measures of success that indicate the effectiveness, efficiency, and usefulness of guidance procedures in providing information to individuals on how to request access to agency records.

Finally, the results of the research produce recommendations that address the issues identified by the study in terms of federal policy development, agency provision of access through web sites, and access to agency records for individuals through agency web sites. In addition to the above, a final analysis occurs in chapter 7 that determines how well the study approach represents data collection and analysis efforts in the assessment of access to agency records through agency web sites.

**Benefits and Impacts of Study**

The purpose of this study is to assess access for individuals through federal web sites to records maintained by agencies that contain personal information about the individuals in terms of Privacy Act requests. To meet this purpose, the goal of this study is to improve access for individuals through federal web sites to records maintained by Executive agencies that fall within Privacy Act statutory provisions.

The research questions of the study guide the research by addressing issues that affect access for individuals through federal web sites, how agencies provide access, the success agencies have in the provision of access, and the success with which provisions provide information to individuals on how to access agency records. The study approach provides an overview of the Privacy Act access component of agency web sites, represents federal agencies citizen-to-government interaction, and provides the structure for the research of this study.

Findings of the research of this study produce practical guidance in the form of recommendations that inform individuals on how to submit Privacy Act requests. The findings also identify issues that affect an individual’s ability to locate needed government services and
resources and provide insights to individuals on how agencies present information about Privacy Act requests.

The results of the study also produce practical recommendations for federal agencies on how to improve the effectiveness, efficiency, and usefulness of agency provided guidance through agency web sites. The practical recommendations include suggested procedures and content of procedures that inform individuals of their rights of access to government services and resources and how to exercise those rights.
CHAPTER 2
LITERATURE REVIEW

Introduction

Research of this study, relative to the implementation of Privacy Act statutory provisions by federal agencies occurs in a broad, privacy policy environment; and as such, requires an understanding of issues and factors from that environment that affect implementation. The literature review of this study introduces selected issues from the policy environment and the policy analysis of this study provides an in-depth look at the role these issues and factors have on Privacy Act related access to agency records that contain an individual’s personal data.

This chapter begins with a brief introduction of the historical development of the Privacy Act of 1974 as amended in 1988. Next, this chapter presents a broad-spectrum of selected issues that include:

- Specific Privacy Act statutory definitions and provisions that affect how individuals access agency records;
- Federal laws and other factors that affect and shape the privacy policy environment; and
- Non-agency provided guidance for individuals on how agencies provide access and individuals obtain access to agency records.

The final section of this chapter presents the findings of studies that explore the importance of privacy protection and security to individuals as related to general access by individuals to government services and resources and to agency records that contain personal data collected by the agencies.

Overview of Privacy Act Access Issues in the Literature

Provisions of the Privacy Act require that agencies provide lists and descriptions of agency systems of records in the Federal Register and to explain why they maintain records in the systems that contain personal data (i.e. where maintain includes maintain, collect, use, and disseminate (5 U.S.C. § 552a(a)). In addition, the Privacy Act charges agencies with the task of providing access for individuals to these records when an individual makes a request for access. The Privacy Act also charges OMB with the task of oversight in terms of the implementation of Privacy Act provisions by agencies and the development of procedures to aide agencies with the
implementation process. There are a number of privacy-policy environment related issues, however, that can affect how agencies provide access for individuals and how OMB provides oversight and procedures for agencies.

The literature review of this study presents an overview of selected issues from the privacy policy environment that can affect how agencies and OMB provide Privacy Act access for individuals to agency records. Selected issues appear in this literature review by topic, or areas of discussion from the privacy environment and include:

- Defining information privacy – presentation of a range of information privacy definitions;
- Privacy Act statutory provisions – identification of specific statutes related to the Privacy Act request process;
- Privacy Act related laws – overview of related laws from the privacy policy environment and the affects of these laws on access to agency records;
- Exemptions and other factors – presentation of selected issues that affect access to agency records;
- E-Government imperative and initiatives – overview of the affects of the E-Government environment on access to government information and resources through web sites;
- Guidelines for implementation of Privacy Act provisions – agency provided web-based guidelines related to Privacy Act requests; and
- Non-Privacy Act sources of guidance – web-based guidelines developed by Congressional Committees and private organizations that provide information for individuals on how to request Privacy Act access to agency records.

In addition to the above, the literature review includes a section on public interest in the protection and security of personal data contained in agency records.

**Historical Background of the Privacy Act**

Prior to the passage of FOIA, section three of the Administrative Procedure Act (5 U.S.C.A. §§ 501 et seq) determined whether the public should have access to records held by federal agencies. Section three, as typically interpreted by agencies, gave agencies unlimited discretion to withhold federal agency records. In passing FOIA, Congress amended the Administrative Procedure Act to provide individuals the right to request access to federal agency records.
records or information. FOIA statutes require all agencies of the Executive Branch to disclose records upon receiving a written request for them, except those records or portions of records protected from disclosure by the nine exemptions and three exclusions included within FOIA. (5 U.S.C. § 552)

The Privacy Act, as an amendment to FOIA, serves as the sole policy created specifically for access to an individual’s personal data held in federal agency records that are contained in agency systems of records. The Privacy Act has been in effect since September 27, 1975, and statutes of the act:

- Apply to federal records maintained by agencies that contain some form of personal data;
- Restrict collection, use, and disclosure of personal data in federal records; and
- Require federal agencies to maintain the confidentiality and security of personal data.

The intent of the Privacy Act is to present an omnibus code of fair information practices that attempt to regulate the collection, maintenance, use, and dissemination of personal information by Executive branch agencies. (5 U.S.C. § 552a(section2)(b); Department of Justice, 2004a,b)

The purpose of the Privacy Act, as determined by Congress is to “provide certain safeguards for an individual against an invasion of personal privacy” specific to “…individuals identified in information systems maintained by Federal agencies… (5 U.S.C. § 552a(section 2(a)(5)).” To meet this purpose, Congress focused on four basic policy objectives (Department of Justice, 2004b):

- Restrict disclosure of personally identifiable records maintained by agencies;
- Grant individuals increased rights of access to agency records maintained on themselves;
- Grant individuals the right to seek amendment of agency records maintained on themselves upon learning that the records were not accurate, relevant, timely, or complete; and
- Establish a code of fair information practices that require agencies to comply with statutory norms for collection, maintenance, and disseminations of records.

Congress adopted these policy objectives as the framework for development of the statutory requirements of the Privacy Act.

The policy objectives, however, created issues for agencies due to a lack of adequate requirements in the Privacy Act, i.e. specifically for shared systems of records between agencies,
access to personal data held in records, refutation of mistakes for data held in the records, and oversight of the records. (Department of Justice, 2004a)

To address some of the issues created by the policy objectives, Congress amended the Privacy Act by passing the CMPPA. CMPPA adds protections that limit agency sharing of electronically formatted records (5 U.S.C. § 552a(8) (13), (o), (p), (q), (r), (u) (2000)). The provisions became effective December 19, 1989 and included procedural requirements for agencies to follow when engaging in computer-matching activities, such as (Kulick, 1990; Privacilla.org, 2001):

- Negotiate written agreements with other agencies participating in the matching programs;
- Obtain relevant Data Integrity Boards’ approval of matching agreements;
- Furnish detailed reports about matching programs to Congress and OMB;
- Notify applicants and beneficiaries that their records are subject to matching; and
- Verify match findings before reducing, suspending, terminating, or denying an individual’s benefits or payments.

The purpose of CMPPA “is to improve the oversight and procedures governing the disclosures of personal information in ‘computer matching programs’ and to protect the privacy of individuals whose Federal records are used in such matching programs (Kulick, 1990, p.1)”

CMPPA addressed some of the Privacy Act policy issues as to the four basic policy objectives; however, the Privacy Act is in essence an “unresolved compromise with imprecise language and in a sense outdated regulatory guidelines making it a difficult statute to decipher and apply (Department of Justice, 2004a, n.p.).” In addition, “after over 32 years of administration and judicial analysis, the Privacy Act has unresolved issues concerning policy objectives (Department of Justice, 2004a, n.p.).”

**Defining Information Privacy**

Definitions of information privacy presented in this section typically determine actions governments, government agencies, individuals, private corporations, and others take relative to the maintenance of the protection and security of an individual’s personal data. Dependent upon the perspective, a wide-range of definitions of information privacy related to the privacy policy environment exists.
According to Morison (1973), information privacy definitions can develop based in either individual belief system perspectives (i.e. morals, religious-based, philosophic perspectives, and others) or U.S. Constitution perspectives (i.e. literal reading, Constitutional interpretations, and others). These definitions primarily appear throughout the policy development stages and within interpretations of Congressional law and the law’s applications.

Information privacy definitions for analytical purposes, however, are most useful in terms of individual interests (Clarke, 2000; Morison, 1973). Clarke identifies individual areas of interest for privacy as dimensionally based on individual interests (2000), such as:

- Privacy of the person - physical properties of the person such as blood type, DNA, body parts, body fluids, and others;
- Privacy of personal behavior – habits, sexual behavior, religious practices, or any other behaviors specific to an individual;
- Privacy of personal communication – communication through media of choice with him/herself or with others without the routine monitoring, collection, or sharing of the communications; and
- Privacy of personal data – contains data about individuals unique to the individual and not shared with others in any means or form without consent.

According to Clarke (2000), privacy interests of personal communication and personal data are closely linked within electronic environments and as such form the basis for the phrase information privacy.

Information privacy definitions also include perspectives that reflect actionable processes that can affect personal privacy, such as protection, use, management, storage, dissemination, and disposal of records or documents that contain personal data. Examples include the U.S. government and commercial interests’ perspectives where individuals are primarily responsible for use of personal data and should take active interests and responsibility in managing personal data. (Clarke, 2000; Morison, 1973)

The E-Government Act presents an additional, yet arguably narrower perspective of U.S. government related information privacy definitions. E-Government initiatives coupled with judicial interpretations of these initiatives suggest limitations on definitions as pertaining predominately to electronically captured or managed personal data within electronically defined systems of record management.
The European Union (EU) definition of privacy presents a broad, all-inclusive, identifiable natural person perspective. Article 2(a) of the European Union Data Protection Directive (95/46/ED) states:

(a) 'personal data' shall mean any information relating to an identified or identifiable natural person ('data subject'); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity.

The EU bases this perspective on government protection of individual privacy at both the government and commercial levels. (Strasbourg, 28.1.1981)

Privacy Act provisions define information privacy in terms of records. The Privacy Act definition of a record, however, does not always determine how federal agencies maintain the protection and security of personal data in agency records. For the Privacy Act, the definition of a system of records determines the application of the definition of information privacy.

In summary, compiling the definitions above leads to a definition of information privacy that can include and/or refer to combinations of personal, identifiable privacy criteria (i.e. privacy criteria within Congressional law, judicial interpretations, executive branch directives, executive agency privacy practices, and others), such as:

- Any personal identifier (i.e. picture, fingerprint, name, social security number or other unique number, and others);
- Collections of personal identifiers (i.e. address, physical features, name, and others);
  and/or
- Combinations of personal identifiers of an individual and actions associated directly or indirectly with personal identifiers.

Based on the compilation of definitions, as presented above, government practices, individuals, automated software programs, and other entities have the ability to identify or regulate information about an individual by use of the above identifiable privacy criteria.

The Privacy Act, however, requires both a definition of a record and a system of records to define information privacy and identify sources that contain personal data, i.e. agency records. The Privacy Act definition of a record and of a system of records, as defined at 5 U.S.C. § 552a(3)(a) (4-5) include:
(4) The term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

(5) The term "system of records" means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

Ultimately, Privacy Act access related requirements do not apply to systems of records that do not use the name of an individual or some other personal identifier to retrieve documents (See 5 U.S.C. § 552a (3)(a)(5) above). In other words, agencies are not required to list systems of records as Privacy Act systems of records in the Federal Register, even if they contain personal data, if records from the systems are not retrieved using some form of personal identifier.

In addition, many pre-seventies systems of records are not electronic file systems and as such are unlikely candidates for scanning into electronic format for retrieval of records that contain personal data. Moreover, many past systems of electronic records from the seventies and eighties are proprietary and not compatible with modern systems.

Proprietary systems of records (i.e. not compatible with current agency technology) create additional interpretation issues in terms of the definition of systems of records, in the retrieval process of records that contain privacy information, and in terms of privacy protection of personal data held in records maintained by agencies. These earlier systems of records also may not conform to statutory, currently accepted definitions of information privacy. (Department of Justice, 2004a,b; EPIC, 2003)

**Privacy Act Statutory Provisions**

Congress passed the Privacy Act and FOIA as information access-specific statutes (Relyea & Kolakowski, 2005). The purpose of the Privacy Act, as amended and as determined by the U.S. Congress is to “provide certain safeguards for an individual against an invasion of personal privacy….” (U.S.C. § 552a (Section 2)(b)) specific to “individuals identified in
information systems maintained by Federal agencies….‖ (U.S.C. § 552a (Section 2(a)(5)). The intent of Privacy Act requirements is to provide safeguards for individuals specific to personal data held in records contained in a Privacy Act defined system of records. Privacy Act requirements also include the right of the individual to amend and contest incorrect data in records.

In terms of FOIA, “Congress established the presumption that any person has the right to submit a written request for access to records or information maintained by the Federal Government” (U.S.NRC, 2007). The intent of FOIA is the provision of access to government information, including agency records that contain personal information; however, FOIA does not include provisions for individuals to amend personal information.

The Privacy Act allows individuals to request access to agency records that contain personal information, provides an amendment process to correct the content of the records, and provides a litigation-process if denied amendment. Both FOIA and the Privacy Act allow individuals to request access to personal data held in an agency’s system of records; however, FOIA broadens access for individuals by providing procedures to request access to any government information. In contrast, the Privacy Act restricts access by providing access only to records that contain personal data about an individual that are part of a Privacy Act defined system of records when the individual initiates the request.

**Privacy Act Access to Agency Records Provisions**

Section U.S.C. § 552a (d)(1), *Access to records* of the Privacy Act specifies that an agency that maintains a system of records shall grant access to an individual who requests access to a record or any pertinent information about the individual maintained in the system of records. To provide this access, the Privacy Act requires each agency that maintains systems of records to “promulgate rules for access” (U.S.C. § 552a(f)). In addition, the Privacy Act requires OMB to “prescribe guidelines and regulations for the use of agencies” (U.S.C. § 552a (v)(1)) in implementing the provisions of the Privacy Act.

Both of these provisions refer to the development of procedures for when an agency must grant access to records due to an individual request for access and steps agencies must take to grant the access. Neither of these provisions requires that agencies provide guidance to
individuals that inform or provide directions on how to access records or of an individual’s statutory rights to records that contain personal data.

**Privacy Act Agency Response to Requests**

The Privacy Act includes statutory provisions on how agencies must respond to requests from individuals for access to agency records (U.S.C. § 552a (a)(d)(1)). The statutes also include provisions for agencies that specify exemptions for denial of access to specific agency records (U.S.C. § 552a (a)(k)). Provisions that require agencies to provide access coupled with exemptions that deny access provide statutory guidance to agencies on when to grant access to records and the steps agencies must take when they receive a request. In addition, the Privacy Act contains provisions that require OMB to provide oversight and guidance to agencies on when and how to respond to requests (U.S.C. § 552a (a)(v)).

Section U.S.C. § 552a (a)(d)(1) provides insight to an individual that the initialization of a request for access occurs when an individual makes a request. Provisions of the statutes, however, contain no statutory language on how individuals should make a request, on how agencies or OMB should provide guidance to individuals on how to make a request, i.e. how to contact the agency and/or what an agency require, or requests of an individual as to content and format of a request document. (Department of Justice, 2004b). In addition, provisions of the Privacy Act require that agencies respond to requests for records and also provide lists and descriptions in the Federal Register of why they maintain the personal data (i.e. maintain includes maintain, collect, use, and disseminate (U.S.C. § 552a (a)).

**Privacy Act Mandates for an Informed Citizenry**

The Privacy Act contains three distinct disclosure mandates to promote the existence of an informed citizenry. They are:

- 5 U.S.C § 552(a)(1) – describes five categories of information that federal agencies are required to publish in the Federal Register;
- 5 U.S.C § 552(a)(2) – lists three categories of records that federal agencies must make available for public inspection, information related to charges to individuals for copies of the records, and the requirement that records must be indexed on a current basis; and
5 U.S.C § 552(a)(2) – provides that any agency record that is not covered by (a)(1) or (a)(2) must be made available upon request to any individual. Implementation occurs at the federal agency level within agencies of the Executive branch.

Privacy Act provisions also include when an agency must inform individuals of how it maintains systems of records (5 U.S.C. § 552a(e)(4)). Attachment B of memorandum M-99-05, in response to President Bush's memorandum of May 14, 1998 on *Privacy and Personal Information in Federal Records* (M-99-05, attachment A), requires agencies to publish, upon the establishment of a system of records, a notice that describes the system in the *Federal Register*.

The core purpose of a system of records notice is to inform the public of the types of records the agency maintains, whom the records are about, and what uses are made of them. As the President noted in his original memorandum, however, "changes in technology, function, and organization may have the effect of making system of records notices out of date (M-99-05, Attachment A)."

**Privacy Act Related Laws**

As an amendment to FOIA, the Privacy Act primarily applies to records held in federal executive agencies that contain some form of identifiable personal information. More specifically, the Privacy Act restricts the collection, use, storage, disclosure, and disposal of personal data in federal records and charges federal agencies with the responsibility of maintaining the confidentiality and security of that personal data.

The Privacy Act, however, does not provide sole guidance to individuals on how agencies maintain confidentiality and security of personal data. Other laws include:

- FOIA which provides for public access to federal agency records, some of which may contain identifiable personal information;
- CMPPA which amends the *Privacy Act* in terms of the reporting of computer-matching activities that add protections for electronically shared agency records; and
- Section 208 of the E-Government Act that requires privacy impact assessments and privacy policies posted on agency web sites.

These laws, along with the Privacy Act and other laws, provide what Congress refers to as “safeguards” (5 U.S.C § 552(a)(2)(b)). The intent of these safeguards is to provide information to and ensure the American public that agencies protect the confidentiality and security of personal
data held in agency records. These laws, however, are not the only laws that protect information privacy.

Congress has passed additional laws that offer privacy protection. “The United States has passed one major federal law to address privacy concerns, as well as numerous other laws with a limited scope of privacy protection” (Jaeger, 2002, p.318). In addition to the E-Government Act, some selected and representative key laws with limited scopes of privacy protection include:

- **Electronic Funds Transfer Act (EFTA)**—implemented by the Federal Reserve, EFTA protects consumers in regards to privacy of electronic transfer of funds (P.L. 90-321);

- **Electronic Communications Privacy Act of 1986 (ECPA)**—implemented to protect privacy of email from interception, use, or disclosure of content without sender’s consent. The intent of ECPA is the provision of protection from anyone violating the privacy of an individual’s email, including the government, without a warrant. ECPA, however, includes an exception for a system administrator if it involves internal security or operation of the system (P.L. 99-508).

- **Telecommunications Act of 1996**—regulates content of information provided by online services and information available via the Internet (P.L. 104-104).

- **Health Insurance Portability and Accountability Act (HIPAA)**—designed to regulate the health insurance industry and health service providers, it affects employers who offer health plans to employees and keep records of these plans and employee health benefits (P.L. 104-191).

Together, these laws and others provide a fragmented approach to information privacy protection. “Each law protects personal information in a particular context” and when “viewed as a whole, these laws do not provide a unified approach or structure through which privacy can be protected” (Jaeger, 2002, p.319).

**Privacy Laws to Regulate Internet Access to Government Information**

The United States government leads the world in the collection and delivery of information by agencies through agency web sites. In 2005, OMB issued a memorandum for the heads of executive departments and agencies that identifies procedures to improve access for individuals to this government information. The procedures provide the agencies with guidelines
to develop cost-effective and consistent access to and dissemination of government information to promote citizen-centered government. (M-06-02; Executive Memo 2002-35; UNPAN, 2007)

In 1996, Congress passed E-FOIA with provisions that require agencies to provide electronic access to government information services and resources. In addition, laws such as PRA and the E-Government Act include statutory provisions for effective and efficient delivery of electronic access to government information for individuals through federal web sites.

PRA requires agencies to “minimize the paperwork burden for individuals…resulting from the collection of information by or for the Federal Government” (44 U.S.C. § 3501(1)) and to disseminate public information in an efficient manner to promote the utility of the information to the public and to effectively use information technology (44 U.S.C. § 3501(7)). E-Government Act requirements include “using Internet-based information technology to enhance citizen access to Government information and services” (Social Security Online, 2002).

To meet the provisions of these laws, guidance to individuals concerning access to records and other government sources of information through federal web sites should meet effectiveness and efficiency requirements as a provision of the guidance. For effectiveness, the content of the guidance must effectively provide information that is clear and necessary for submitting requests for information in terms of government services and resources. For efficiency, individuals must locate the guidance in a timely manner.

E-Government: Technology Affects on Access to Agency Records

Since the initial passage of FOIA and the Privacy Act, advances in the development of new technology and the advent of the Internet have led to the increased availability and exchange of government services and resources between federal agencies and individuals. To address the increase of government information exchanged with individuals, Congress amended the Privacy Act, amended FOIA, and passed additional laws related to the delivery of government information through federal web sites, typically referenced as E-Government.

According to OMB, E-Government “refers to the federal government’s use of information technologies (such as Wide Area Networks, the Internet, and mobile computing) to exchange information and services with citizens, businesses, and other arms of government” (Office of Management and Budget, 2008). Improving government through the use of information technologies is referred to as the E-Government Imperative where E-Government is
more about better, more effective government than the electronic delivery of government services and resources (UNESCO, 2003; UNPAN, 2003).

For purposes of this study, E-Government refers to better, more effective government in the electronic delivery of government services and resources (GPOAccess, 2003; UNESCO, 2003; UNPAN, 2003).

**Exemptions and Other Factors that Affect Access to Agency Records**

Provisions of the Privacy Act and FOIA provide for access to records; however, requirements of both acts also include exemptions that restrict access to records. Exemptions, when applicable, prevent access to records maintained in a system of records. In addition to FOIA and Privacy Act exemptions, laws related to national security, such as the *USA Patriot Act of 2002* (PL 107-56) and *Homeland Security Act of 2002* (PL 107-296) contain security related exemptions that can limit or prevent access to information held in systems of records.

Exemptions, however, are not the only limitations to an individual’s access to records. In terms of the Privacy Act, only records contained in defined systems of records are available for access. For example, systems of records not accessed by a personal identifier do not fall within Privacy Act statutory provisions. Another example occurs with definitions that contradict Privacy Act statutory definitions, such as similar definitions produced by other federal laws, judicial interpretations of the meaning and/or application of the definitions, and other interpretations of the definitions. In addition, issues such as the execution of Executive orders by agencies to exempt or limit access during periods of war or due to national security alerts affect an individual’s access to personal data.

**Executive Memorandums Affect on Access**

In 1998, the Clinton Administration sent a memorandum to all federal agencies (M-99-05) requiring all federal agencies to designate a senior official within the agency to assume primary management responsibility for privacy policy. The intent of the Clinton administration was to use these privacy leaders to review and enforce Privacy Act compliance within each agency. The President’s memorandum directed agencies to designate a privacy officer within 30 days of the memorandum. The memorandum also directed OMB to provide (within one year) instructions to agencies on how to conduct an overview of Privacy Act systems, how to publish
to or amend the *Federal Register* regarding systems, and how to report to OMB regarding a review of the systems.

Executive agency directives and interpretations of information privacy related policies from the Executive Office, OMB, and agency level directors and managers directly affect the management of privacy in the interpretation and implementation of privacy related issues at the agency level. Laws created by congress concerning federal agency privacy and technology implementation, protection, regulation, and national security (i.e. laws such as the *Computer Security Act of 1987* [P.L. 100-235] and the *U.S. Digital Millennium Copyright Act of 1998* [P.L. 105-104], *Uniting and Strengthening America by Providing Appropriate Tools Required to Interdict and Obstruct Terrorism* (USA Patriot) (*U.S. Patriot Act of 2002* [P.L. 107-56]) affect access to information and the information systems that contain privacy related information. (Charkow, 2003; Standler, 1997)

**Judicial Interpretations**

The judicial system affects privacy by means of interpretations of points of law, such as cases related to the protection and/or access of information privacy. Judicial rulings can directly affect information privacy in specifically applied situations at a case level. A primary issue with judiciary interpretations is that many Privacy Act related judiciary cases are unpublished district court decisions that are difficult to find leaving room for further research and case law study to be developed. DOJ maintains an overview of Privacy Act related judiciary rulings from federal, state, and local cases in the department web site, entitled *Overview of the Privacy Act of 1974, May 2004* (Department of Justice, 2004a). Sources such as this, however, are often outdated or difficult to locate (i.e. note the May 2004 date). (Department of Justice, 2004a; Hammitt, 2000; Irons, 1999; Jaeger et al., 2002; Oxford Companion to American Law, 2002)

In terms of affects of the judicial system on information privacy, the judicial system can enforce existing privacy policies and create avenues of action and recourse for lack of application of requirements of law as written, or intended. Judicial rulings also may provide specific enforcements to protect privacy related issues that are not contained within written laws, such as enforcements that affect the interpretation of access to information. Examples of specific rulings that affect the interpretation of access to information include:
• *Thomas v. Collins* (323 U.S. 515) in 1945 where the right to give information necessitated a right to hear information; and

• *Board of Education v. Pico* (457 U.S. 853) in 1982 from which developed the connection between the right to receive information and the right to send information.

Specific enforcements, however, typically only occur at a case level for specific applications of laws related to privacy, such as *Griswold v. Connecticut* (381 U.S. 479, 1965) which determined that a right to privacy and to receive information implicitly exists within the Constitution specifically for contraception information. Judicial interpretations may also restrict or limit the application of programs and requirements by issuing definitions or interpretations applicable at a case level but applied in a broader sense. (Hammitt, 2000; Irons, 1999; Jaeger et al., 2002; Oxford, 2002)

**E-Government Imperative and Initiatives**

The United States government leads the world in the collection and delivery of information by executive agencies through agency web sites. In 2005, OMB issued a memorandum for the heads of executive departments and agencies that identifies procedures to improve access for individuals to government information (M-06-02). The procedures provide the agencies with guidelines to develop cost-effective and consistent access to and dissemination of government information to promote citizen-centered government. (Evans, 2005; M-06-02; UNPAN, 2007)

According to OMB, E-Government “refers to the federal government’s use of information technologies (such as Wide Area Networks, the Internet, and mobile computing) to exchange information and services with citizens, businesses, and other arms of government” (Office of Management and Budget, 2008). As mentioned earlier, improving government through the use of information technologies is referred to as the *E-Government Imperative* where E-Government is more about better, more effective government than the electronic delivery of government services and resources (UNESCO, 2003; UNPAN, 2003).

Since the initial passage of FOIA and the Privacy Act, advances in the development of new technology and the advent of the Internet have led to the increased availability and exchange of government services and resources between federal agencies and individuals. To address the increase of government information exchanged with individuals, Congress amended the Privacy
Act, amended FOIA, and passed additional laws related to the delivery of government information through federal web sites. E-FOIA, PRA, and the E-Government Act include statutory provisions for the effective and efficient delivery of electronic access to government information for individuals through federal web sites. (Department of Justice, 2004a,b; Ferrao, 1999; Jaeger, 2002; Relyea & Kolakowski, 2005)

In 2001 (prior to passage of the E-Government Act), OMB, along with input from other federal agencies developed 25 E-Government initiatives in five general areas to promote the delivery of E-Government services and resources through government web sites as a means of addressing the E-Government imperative. Of these five areas, Government to Citizen, Government to Government, and Internal Efficiency and Effectiveness specifically address how individuals interact with government and promote citizen-centered government.

The goal of these initiatives focuses on the elimination of redundant systems in agencies and the improvement of government’s quality of customer service for citizens. The intent of these initiatives is to provide guidance that will improve the efficiency and effectiveness of: 1) agency-to-agency internal interaction and communication, and 2) citizen-to-agency interaction and communication through government web sites. (E-GOV, 2007a,b,c)

The vision for government reform of President Bush’s administration, as outlined by the President on July 10, 2002 focused on three initiatives, “Government should be citizen-centered, results-oriented, and market-based” (Office of the Press Secretary, 2002; E-GOV, 2007b). In December 2002, President Bush signed H.R. 2458, known as the E-Government Act. Congress’ intent in passing the E-Government Act includes “establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services” (PL 107-347).

The E-Government Act addresses the President’s three initiatives of the vision for government reform and Congress’ intent to enhance citizen access to government information (Office of the Press Secretary, 2002; PL 107-347). The Office of the President, OMB, and other executive agencies developed and issued initiatives intended to improve citizen to government interaction and citizen access to government information. These initiatives focus on the affects of information technologies on access for individuals through government web sites and the effectiveness and efficiency of the provision of access.
With the development of the electronic policy environment, much of the statutory guidance, research, and debate related to the implementation of these laws address the interaction between agencies and individuals through federal web sites. In terms of Privacy Act statutory provisions, implementations of these laws predominantly address the protection of electronically accessible personal data held in agency records. In addition, implementations of these laws address procedures developed to inform individuals of the types and kinds of personal data agencies electronically collect through interaction by individuals with federal web sites. (Department of Justice, 2004a,b; Ferrao, 1999; Jaeger, 2002; Relyea & Kolakowski, 2005)


Executive agency directives and interpretations of information privacy related policies can evolve from multiple sources, such as from the Executive Office, OMB, and agency level directors and managers. Each of these sources can directly affect the management of information privacy in agencies due to each entities capacity to present alternative interpretations of Privacy Act requirements or of programs of compliance for the requirements.

OMB, as designated by the Privacy Act, must interpret, develop, and issue directives and guidelines to agencies for compliance of all requirements of the Privacy Act. The Director of OMB shall (5 U.S.C. § 552a(v)):

(1) develop and, after notice and opportunity for public comment, prescribe guidelines and regulations for the use of agencies in implementing the provisions of this section; and (2) provide continuing assistance to and oversight of the implementation of this section by agencies.

Some examples include Circular No. A-130 which “establishes policy for the management of Federal information resources (2000, p.1)” and establishes guidelines for the Privacy Act; M-06-15 which emphasizes agency responsibility to safeguard personally identifiable information; and M-99-05, Attachment B which provides instructions to agencies on how to comply with President Bush’s memorandum on Privacy and Personal Information in Federal Records (M-99-05, Attachment A).

The Privacy Act also charges agency directors and managers to interpret, develop, and implement requirements of the Privacy Act (5 U.S.C. § 552a(f)). In addition, Executive orders to agencies from the President provide instructions to agencies for actions regarding management
and implementation practices of programs, such as M-99-05 Attachment A. Guidance from these multiple sources can create interpretation conflicts in agencies for implementation of programs designed for compliance with Privacy Act and privacy related act requirements.

Non-Privacy Act Sources of Guidance for Individuals

Non-Privacy Act sources of guidance refer to guidance from sources other than Privacy Act statutes on how to make Privacy Act requests for access to agency records. Non-Privacy Act sources include:


- Federal web sites – web sites such as USA.gov, Government Information Locator Service (GILS), and GPO Access provide links to information related to access to agency records and to other government information services and resources; and

- Private organizations – privacy oriented organizations, such as privacy.org and the Electronic Privacy Information Center (EPIC) provide information to individuals on how to make requests to access agency records and other government information services and resources.

Each of the above sources provides information to individuals on how to access agency records; however, issues occur related to the effectiveness of the guidance from these sources.

The U.S. General Services Administration (GSA) and DOJ co-publish Your Right to Federal Records (2006), a guide that contains answers to general questions about FOIA and the Privacy Act. Within the Privacy Act portion of this document, the answer to the questions of who to contact in the federal government with Privacy Act requests and how to find the right address directs the reader to follow FOIA guidelines. (GSA, 2006)

or electronic format and Congress has revised the guide every two years since 1987 (Note: Congress did not release what would have been the 2001 version until 2002).

The report offers directions and suggestions on how to make a request and includes sample request and appeal letters; however, individuals may find it difficult to complete the requests based on the directions and suggestions of the guide. For example, the guide suggests contacting the agencies directly as one approach. Although feasible (i.e. the search will lead to contact information), the process is neither efficient nor very effective in locating the needed information. In addition, the guide refers to the Privacy Act as a companion to FOIA, and although the guide contains information specific to Privacy Act requests, the guide suggests posting the letter for the request as a Privacy Act/FOIA Request (EPIC, 2003; Committee, 2007).

These guides provide an overview of how to make Privacy Act requests; however, these government resources are general guidelines and as such are not specifically associated with actual agency presentations of guidelines. In addition, the resources do not typically offer insights on how to locate agency guidelines or any requirements for agencies on how to provide guidance presented through agency web sites.

**Public Interest in the Protection and Security of Privacy Information**

A number of studies, polls, and surveys implemented over the past 4-5 decades relate to how individuals view government’s protection of personal data. A personal view, presented by Gorman (2000) sums the drive behind the polls and surveys as “we all need privacy…in a spatial sense and an informational sense…[where]…our informational privacy is the right to control personal information and to hold our retrieval and use of information and recorded knowledge to ourselves (p1)."

According to Robbin (2000), “More than 30 years of public opinion polls record significant concerns about the quantity and use of personal information collected by the US government and private sector and computer technology whose uses are perceived to diminish personal privacy” (p.1). The 2004 *Privacy Trust Survey of the United States Government* conducted by the Ponemon Institute and the CIO Institute of Carnegie Mellon University provides an example of such a study. The researchers asked 6,300 adults if “federal government organizations will safeguard the personal information they collect and use about them”
(Ponemon, 2004, p.1). The survey included 60 U.S. government organizations known to collect and use personal information about the public.

Survey questions addressed individual’s confidence with government organizations that collect personal information. (Ponemon, 2004) Some findings from the survey include:

- An overall average Privacy Trust Score (PTS) of 52% for the sixty agencies suggests the general public holds a relatively low, or negative impression of the government organizations in the study;
- U.S. Postal Service held the highest PTS with 78%; and
- Office of the Attorney General (21%) and the DOJ (22%) held the lowest scores.

On average, social welfare agencies achieved higher PTS than national security or defense agencies.

Subjects with higher educations (college and postgraduates), middle income, and middle age ranges provided lower average PTS ratings. Subjects with high school or vocational school education, in upper and lower income brackets, and in younger and older age ranges provide higher average PTS ratings. Over 83% of respondents acknowledged the privacy of their personal information at or above being important to them about how government organizations safeguard the personal information they collect and use.

In the 2007 Privacy Trust Study of the United States Government with 7000 participants, the Ponemon Institute found that trust in government has steadily declined from an average high of 52% in 2004 and 2005 to a low of 45% in the 2007 study (AndhraNews.net, 2007). The Ponemon Institute and The CIO Institute of Carnegie Mellon University have surveyed individuals on an annual basis since 2003 and each survey shows an interest by individuals about how government organizations safeguard information.

In a similar study on web site privacy statements conducted by Jupiter Communications of New York, researchers found that “64% of online consumers say they are unlikely to trust a Web site, even when a privacy policy is displayed” (Weil, 1999). The findings seem to suggest that citizens confuse privacy and security as being similar, or the same. The researchers suggest the findings of the study question the effectiveness of both government and industry efforts to alleviate citizen concerns by posting privacy statements. The study also suggests that media and government attention to online privacy issues actually increase the fear of privacy related issues
through use of web sites. “The majority of consumers said…that a prominently displayed privacy policy isn’t likely to earn their trust (Weil, 1999).”

In a study of privacy and trust in government with a citizen-based perspective from New Zealand, Cullen (2007) finds, “democratic governments depend on a contract between citizens and the state.” Cullen also finds, “U.S. studies indicate that American’s level of trust in their government has decreased significantly since the early 1970s”, and for E-Government “many Americans acknowledge the potential benefits of being able to interact with government online, yet significant numbers also have concerns about the privacy and security of their personal information submitted through government web sites (2007).”

Senator John Cornyn and Senate Judiciary Committee Chairman Patrick Leahy recently introduced a bipartisan bill, the OPEN Government Act of 2007, in an effort to strengthen and create a more open government policy and increase public access to government information. The bill reforms FOIA and proposes to strengthen FOIA and close loopholes (John Cornyn, 2007). Organizations, such as EPIC, the Center for Democracy & Technology, OMB Watch, and privacy.org openly support open government for individuals and efforts such as the one by Senators Cornyn and Leahy.

Some examples of private sector support include the Center for Democracy that supports open government and the “right of the public to know about information collected, disseminated and maintained by government in order to increase accountability and public awareness” (Center for Democracy, 2007). OMB Watch also supports open government and works to “increase government transparency and accountability; to ensure sound, equitable regulatory and budgetary processes and policies; and to protect and promote active citizen participation in our democracy (OMB Watch, 2007).”

Chapter Summary

The literature review (Chapter 2) presents an overview of issues from selected topics that can affect individuals’ access to agency records. The policy analysis of the study (presented in chapter 4) presents a detailed assessment of selected issues from the literature review to assess the extent and means of the affects of those issues on access to agency records.

Chapter 3 presents the methodology of the study and begins with an overview of the research methods selected to assess access for individuals to agency records, the project timeline,
and projected tasks for all phases of the project. Following the overview, the chapter provides
detailed explanations for each of the research methods that include specific steps to follow to
execute each method and samples of the data collection instruments designed for each method.
The methods include a policy analysis, usability study, web-content review, Privacy Act requests
assessment, and submissions of Privacy Act requests.

Next, the chapter provides an overview of the data analysis process. Finally, the chapter
includes sections on valid and reliable data, justification of the methodology, relationship of the
methodology to the conceptual framework, and a section on assumptions and limitations of the
methodology.
CHAPTER 3
METHODOLOGY

Overview

The purpose of this exploratory study is to assess access for individuals through federal web sites to records maintained by agencies that contain personal information about the individuals in terms of Privacy Act requests. Key components of the methodology include:

- Policy analysis – assessment of issues identified in the literature review to gain an understanding of affects of the issues on access to agency records.
- Usability study – provides measures related to the usability of web sites in terms of effectiveness, efficiency, and usefulness/satisfaction.
- Web-content review – provides measures of types of guidance procedures and the presentations of each type that agencies make available to individuals through agency web sites.
- Privacy Act Requests – provides quantitative and qualitative measures relative to steps taken to implement procedures that inform individuals on how to submit requests, such as number of steps and errors following procedures. Also includes the submission of requests to agencies to assess the response by agencies to the agency’s request process.

Results from this study provide indicators of the success with which agencies provide access to records that contain privacy information through agency web sites.

Table 3.1. Tasks of pre-data collection steps.

<table>
<thead>
<tr>
<th>Phase 1: Pre-data Collection Steps</th>
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<tbody>
<tr>
<td>Task</td>
</tr>
<tr>
<td>1. Present an overview of the study (See Chapter 1)</td>
</tr>
<tr>
<td>2. Conduct literature review (See Chapter 2)</td>
</tr>
<tr>
<td>3. Develop methodology of the project:</td>
</tr>
<tr>
<td>- Identify privacy policy environment issues for the policy analysis;</td>
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<tr>
<td>- Present and justify data collection methods;</td>
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<tr>
<td>- Identify units of analysis for access to agency records;</td>
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<tr>
<td>- Identify measures of access to agency records; and</td>
</tr>
<tr>
<td>Develop initial data collection instruments.</td>
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</tbody>
</table>
The research design of the study includes pre-data collection activities, data collection planning and preparation, data collection, data analysis, and presentation of results. Tasks for pre-data collection efforts appear in table 3.1 above.

Table 3.2 below presents a projected timeline for phases 2 - 4 of the study: planning and project preparation, data collection, data analysis, and the presentation of results. Activities of Phase 2, pre-data collection include planning of the project, beginning the policy analysis, preparation of data collection instruments for each method used in the study, and pre-testing of the data collection instruments. Phase 3 initiates data collection methods for measures of access. Phase 4 includes the analysis of results and the dissertation preparation. The timeline presents phases by months. Anticipated time of completion for the remaining tasks is eight months for a total of 32 weeks. Adjustment of the timeline occurred as needed throughout the study.

<table>
<thead>
<tr>
<th>Table 3.2. Research design schedule of data collection and presentation activities.</th>
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<tbody>
<tr>
<td><strong>Data Collection and Presentation Activities Timeline in Weeks</strong></td>
</tr>
<tr>
<td><strong>Phase 2: Planning/Project Preparation</strong></td>
</tr>
<tr>
<td>Policy Analysis</td>
</tr>
<tr>
<td>Analysis of Data Collection Efforts</td>
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<tr>
<td></td>
</tr>
</tbody>
</table>

Table 3.3 below outlines steps of the research design for data collection planning and preparation, data collection, data analysis, and presentation of results based on the timeline. Tasks of the research design appear as linear steps; however, some steps occur simultaneously.
### Table 3.3. Research design scheduled tasks.

<table>
<thead>
<tr>
<th>Step</th>
<th>Task</th>
<th>Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Policy Analysis – conduct policy analysis of the potential affects of each issue on Privacy Act access to agency records identified from the literature review.</td>
<td>Weeks 1-8</td>
</tr>
</tbody>
</table>
| 2.   | Usability study planning and preparation:  
- Identify areas of focus for the usability study;  
- Identify measures of access;  
- Develop usability protocol for data collection efforts; and  
- Pre-test usability protocol | Weeks 1-8 |
| 3.   | Web-content review planning and preparation:  
- Identify and select up to five agencies from each Executive department for review for a total of up to 60 agencies;  
- Identify measures of access;  
- Develop data collection instruments; and  
- Pre-test data collection instrument | Weeks 1-8 |
| 4.   | Privacy Act requests planning and preparation:  
- Identify steps individuals must take to make a request;  
- Identify measures of access;  
- Develop data collection instruments; and  
- Pre-test data collection instrument | Weeks 5-12 |
| 5.   | Conduct usability study and web-content review | Weeks 9-12 |
| 6.   | Begin analysis of results of usability study and web-content review | Weeks 13-16 |
| 7.   | Assess Privacy Act requests Procedures | Week 13 |
| 8.   | Submit Privacy Act requests to selected agencies  
Begin analysis of Privacy Act requests results | Weeks 17-20 |
| 9.   | Complete the analysis of data collection efforts:  
- Prepare findings and develop conclusions;  
- Propose recommendations from conclusions; and  
- Suggest future research based on conclusions. | Weeks 17-28 |

### Study Purpose, Goal, Objectives, and Research Questions

As stated in chapter 1, the purpose of this study is to assess access for individuals through federal web sites to records maintained by agencies that contain personal information about the individuals in terms of Privacy Act requests. The goal of this study is to improve access to agency records for individuals through federal web sites. Objectives to meet this goal include:

1. Identify issues that affect access to agency records, such as statutory provisions of relevant E-Government laws and exemptions of laws.
2. Identify and review types of guidance procedures and their presentations available to individuals through agency web sites.
3. Evaluate the usability and usefulness to individuals of agency guidance procedures presented through federal web sites.
4. Evaluate the implementation process for procedures that contain information for individuals on how to submit Privacy Act requests.
5. Evaluate how agencies respond to submitted Privacy Act Requests.
6. Provide practical recommendations to improve development of federal policy for access, access for individuals to agency records, and agency provision of access through federal web sites.

The objectives guide the research of this study. Data collection methods developed for this study address each of the above objectives.

To meet the purpose, goal, and objectives, this study employs the following research questions in terms of access to records through federal web sites:

1. How do issues, such as provisions of other federal laws and exemptions of the laws affect how agencies provide access for individuals to agency records?
2. How do agencies provide individuals access to agency records in terms of Privacy Act statutory provisions for access?
3. What levels of success do agencies have in the provision of access to agency records for individuals?
4. How can agencies improve access for individuals through federal web sites to records maintained by agencies in terms of the Privacy Act?

The research questions presented above guide the development of the methods of this study and the analysis of the results of data collection efforts.

**Relationship of Research Questions to Methods**

Table 3.4 below presents the relationship between the research questions of this study and the proposed research methods.
Table 3.4: Relation of Research Questions to data collection instruments

<table>
<thead>
<tr>
<th>Research Question</th>
<th>Policy Analysis</th>
<th>Web-content Review</th>
<th>Usability Study</th>
<th>Privacy Act Requests</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. How do issues, such as provisions of other federal laws and exemptions of the laws affect how agencies provide access for individuals to agency records?</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. How do agencies provide individuals access to agency records in terms of Privacy Act statutory provisions for access?</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>3. How effective, efficient, and useful are guidance procedures as access points for individuals to records through federal web sites?</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>4. How can agencies improve access for individuals through federal web sites to records maintained by agencies in terms of the Privacy Act?</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The policy analysis addresses question one by providing an assessment of how key issues from the privacy policy environment can affect access to agency records and an agency’s decision-making process on how to provide access. The web-content review addresses question 2 by providing data related to the types and kinds of guidance procedures agencies offer through web sites to provide access to agency records.

The usability study, web-content review, and Privacy Act requests address research questions 2 and 3 by providing assessments of how agencies provide information to individuals regarding access to agency records (i.e. guidance procedures) in terms of effectiveness, efficiency, and usefulness of the procedures. The cumulative results obtained from all of the methods used in this study address question 4 by providing data necessary to provide policy, agency, and individual recommendations to improve access to agency records for individuals through federal web sites.

**Relationship of Study Objectives to Methods**

Table 3.5 below presents the relationship of research methods to objectives of the study developed to meet the study goal.
Table 3.5: Relationship of methods to study objectives.

<table>
<thead>
<tr>
<th>Method</th>
<th>Objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy Analysis</td>
<td>1. Identify issues that affect implementation of agency and OMB Privacy Act request guidance procedures, such as provisions of relevant E-Government laws and exemptions of laws.</td>
</tr>
<tr>
<td>Web-content Review</td>
<td>2. Identify and review types of guidance procedures and their presentations available to individuals through agency web sites.</td>
</tr>
<tr>
<td>Usability Study</td>
<td>3. Evaluate the usability and usefulness to individuals of agency guidance procedures presented through federal web sites.</td>
</tr>
<tr>
<td>Privacy Act Requests</td>
<td>4. Evaluate steps required to implement procedures that inform individuals on how to submit requests.</td>
</tr>
<tr>
<td></td>
<td>5. Evaluate how agencies respond to submitted Privacy Act Requests.</td>
</tr>
<tr>
<td>All of the Above</td>
<td>6. Provide practical federal policy recommendations and recommendations to improve access for individuals to and the provision of access by agencies through federal web sites.</td>
</tr>
</tbody>
</table>

**Units of Analysis**

The purpose of this exploratory study is to assess access for individuals through federal web sites to records maintained by agencies that contain personal information about the individuals in terms of Privacy Act requests. The research of this study attempts to understand how guidance procedures, available through federal web sites provide access for individuals. According to Babbie (1990, p.53), “research provides techniques for studying almost anyone [or anything].” The ones or things under study are the units of analysis. According to Babbie (1990, pp. 53-54:

Whatever the units of analysis, data are collected for purposes of describing each individual unit (e.g., person). The many descriptions are then aggregated and manipulated in order to describe the whole sample studied and, by extension, the population represented by that sample.

The research of this study assesses how guidance procedures provide access for individuals to agency records through web sites where guidance procedures are the units of analysis.

Table 3.6 below presents the purpose and benefits of types of guidance procedures available through federal web sites as identified during project preparation efforts.
Table 3.6: Purpose and benefits of guidance procedures.

<table>
<thead>
<tr>
<th>Guidance Procedure (type)</th>
<th>Purpose (kind)</th>
<th>Benefits</th>
</tr>
</thead>
</table>
| Information about statutory provisions of the Privacy Act | 1. Actual text of the Privacy Act  
2. Information about the Privacy Act | Provides information to both individuals and agencies related to statutory provisions of the Privacy Act |
| Information of how agencies must respond to requests | 1. Information about the agency’s role in addressing Privacy Act requests  
2. Guidelines related to individuals inserting or including a Privacy Act request into a FOIA request. | Provides instructions to agencies on how to respond to requests                                      |
| Information on how individuals may submit requests | 1. Instruction only guidelines specific to how individuals should submit Privacy Act requests  
2. Forms specific to how individuals should submit Privacy Act requests | Provide guidance to individuals on how to request access to agency records.                         |

The methods of the research design describe attributes of guidance procedures in terms of federal web sites. Aggregated and manipulated results of data collected by each method of the study describe the success of guidance procedures in the provision of access for individuals to agency records.

Babbie (1990, p.121) defines operationalization as “the process where researchers specify empirical observations that can be taken as indicators of the attributes contained within a given concept.” The research design assesses access to agency records in terms of attributes of guidance procedures. Attributes empirically assessed include types and kinds of procedures, location of the procedures, and the application of procedures that provide information. The Explanation of Research Methods and Data Collection section (below) presents method goals, empirical measures to meet each goal, and definitions of each measure for the usability study, web-content, and Privacy Act request methods.

The web-content review provides counts of the types and kinds of procedures available through each agency site sampled. The usability study and assessment of Privacy Act requests
procedures provide measures related to location and application attributes of procedures. The usability study measures the effectiveness, efficiency, and usefulness/satisfaction of the location of each procedure in web sites. Assessments, of request procedures, provide measures related to the effectiveness, efficiency, and usefulness/satisfaction of the number of steps an individual must make to complete procedures to submit requests and measures related to how agencies respond to requests.

In addition, the policy analysis assesses effects of key issues from selected areas of the privacy policy environment. The Explanation of Research Methods and Data Collection section (below) presents an overview of the policy analysis method.

**Explanation of Research Methods and Data Collection**

This study explores individuals’ access to agency records that contain personal information through federal web sites. Research methods developed to assess access include the Policy Analysis, Usability Study, Web-content Review, and Privacy Act Requests. The researcher conducts all data collection efforts (i.e. data entry) for each of the methods above. All data collected for the study occurs using a designated desktop computer to minimize data collection errors and increase reliability of the data collection process.

Data collection efforts for this study include three separate search approaches of the same 64 sample sites. The three search approaches are agency web site, USA.gov, and Google.com searches where the intent of all three searches is to locate and assess guidance procedures located in agency web sites. All three data collection efforts utilize an iterative, multi-method approach to explore the study’s 64 sample agency web sites. Findings of the three search approaches provide comparable data for analysis efforts.

The researcher for this study conducted all searches through agency web sites, USA.gov, and Google.com. Search phrases, however, for USA.gov and Google.com include the department or agency name as part of the search as searches do not begin in specific agency sites (i.e. the agency web site searches all begin at the home page of the sample site). All searches follow a structured protocol to help insure reliability and validity of search results. See appendix A for a copy of the structured search protocol.
The researcher also trained four coders who conducted agency web site searches through four randomly selected (i.e. by drawing) sites from the study sample. The coders collected data for the usability and Web-content review methods.

In addition, the researcher recorded all searches to capture data collection efforts and to verify data collection results. Recorded searches improve the accuracy and precision of data collection efforts, which also improves reliability and validity for the study. As web interfaces are dynamic in nature and may change over time, recorded searches capture web interfaces as the researcher views them. The recorded searches also insure the researcher followed the study’s search protocol for each search as the recordings capture mouse movements through each page.

The protocol for all searches used the same search phrases for comparative purposes. Search phrases for the study are *Privacy Act requests*, *Privacy Act*, and *access to agency records*. Although searches that use alternative search phrases or terms and follow different search protocols could provide additional results for analysis, the search protocol and the search terms used in this study were developed specifically to locate Privacy Act request related guidance procedures and to increase reliability and validity of the study.

This section presents detailed steps to execute each method of the study and samples of data collection instruments designed specifically for each method. Appendix B contains samples of the data collection instruments used in this study, presented by evaluation method.

In preparation for the study, the researcher previewed three web sites from each of the following: the *Department of Agriculture*, the *Department of Justice*, and the *Whitehouse* (See Chapter 1). The preview process for the selected web sites included:

1. Designate thirty minutes for each preview.
2. Search the home page of each agency for links to guidance procedures.
3. Locate guidance procedures using the search feature of each web site with the phrases *Privacy Act, Privacy Act request*, and *access to agency records*.
4. Locate guidance procedures from links on internal pages of web sites.
5. Read the content of each located guidance procedure as located to identify the type of procedure and the kinds of information contained in the procedure.
6. Complete data collection instruments for the preview.
7. Write up summary of the preview process.
The researcher allocated thirty minutes per site to locate procedures and read the content of located procedures; however, time needed for data entry into collection instruments was not calculated as instruments had not been developed.

For the preview, the time from start of the process to location of the last procedure for the first two web sites averaged twenty minutes with no additional procedures located in the final ten minutes of the search. Searches of the remaining seven web sites averaged fifteen minutes from start of the process to location of the last procedure with no additional procedures located in the remaining fifteen minutes of searching. Usability study and web-content review methods build upon the preview process.

For purposes of the usability study and the web-content review, the researcher noted the start time, the time a procedure was located, the completion time for reading the content, and the time of final data entry per located procedure. Instead of the designated thirty-minute assessment period used for the preview stage, assessment of each site continued until a ten-minute period of searching revealed no further procedures. Total time per site to complete the usability study and web-content review was less than one hour and provided for additional time needed to complete data entry for each procedure.

Results of the usability study and the web-content review guide the assessment of Privacy Act requests procedures. Assessments of requests procedures only occur of guidance procedures that inform individuals on how to submit a request. For example, if an agency posts a procedure on how to make a request, assessment occurs based on the number of steps required to complete a request process and the time needed to complete the steps. If no procedure on how to make a request is located in an agency web site, no assessment occurs for the agency.

**Policy Analysis**

The study begins with a policy analysis where the policy analysis is “research done by political scientists interested in the process by which policies are adopted and the effects of the policies once adopted” (Majchrzak, 1984, p.104). The policy analysis addresses key issues from selected areas of the privacy policy environment as identified from the study’s literature review. Selected areas include:

- Defining Privacy Act Statutory Access to Records: Key Terms;
The purpose of the policy analysis is to identify key issues from each area of the policy environment and to assess potential affects of each issue on the provision by agencies of access to agency records.

Usability Study

According to Usability.gov (2007), “usability measures the quality of a user’s experience when interacting with a product or system.” International standards (i.e. ISO 9241-11) define usability as "the extent to which a product can be used by specified users to achieve specified goals with effectiveness, efficiency and satisfaction in a specified context of user" (Usability.net, 2008). The usability method of this study assesses the extent with which guidance procedures offered through federal web sites provide information to individuals on how to access agency records. The study’s sole researcher collects usability measures of effectiveness and efficiency from searches conducted through agency web sites, the USA.gov search interface, and the Google.com search interface.

The research of this study measures quality of the experience in terms of effectiveness, efficiency, and satisfaction. According to Nielsen & Loranger (2006, p. xvi), “Usability is a quality attribute relating to how easy something is to use.” More specifically, Nielsen & Loranger state (2006, p. xvi):

[Usability] refers to how quickly people can learn to use something, how efficient they are while using it, how memorable it is, how error-prone it is, and how much users like using it. If people can’t or won’t use a feature, it might as well not exist.

For the usability research of this study, a successful search experience occurs when the researcher discovers procedures that include information on how to make a request.
Satisfaction metrics used in this study originate from *Designing Web Usability* (Nielsen, 2000). The study researcher collected usefulness measures based on agency web site searches. The usefulness measures provide indicators of the quality of the researcher’s search experience and provide aggregated metrics of the researcher’s observations while conducting the searches. Figure 3.7 (below) presents an overview of the study’s usefulness goals and measures.

**Steps for data collection.**

1. Identify usability goals, measures of access, and definitions of measures.
2. Select federal agency sites for usability study sample.
3. Develop usability data-collection instruments.
4. Develop method to implement usability data collection.
5. Test data collection method and instruments.
   a. Develop a usability protocol for expert pre-testing of the process.
   b. Conduct expert tests of data collection method and instruments.
   c. Review results of expert tests.
   d. Modify data collection method and instruments based on review.
6. Administer Usability study.

**Usability goals and measures.** The usability method of this study provides quantitative and qualitative measures of the quality of a user’s experience in locating guidance procedures. Table 3.7 below presents goals and measures used to indicate quality in terms of effectiveness, efficiency, and satisfaction.

Effectiveness and efficiency usability goals and measures used in this study originate from *Usability.gov: Your guide for developing usable and useful web sites* (Usability.gov, 2007). Satisfaction metrics used in this study originate from *Designing Web Usability* (Nielsen, 2000).
Table 3.7 (continued). Usability goals and measures of access.

<table>
<thead>
<tr>
<th>Quality of Experience</th>
<th>Usability Goal</th>
<th>Measures of Access</th>
<th>Definition of Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effectiveness</td>
<td>1. Successful completion rates</td>
<td>• Locate desired procedures</td>
<td>• Able to successfully locate desired procedures</td>
</tr>
<tr>
<td></td>
<td>2. Accuracy</td>
<td>• Unproductive navigation choices</td>
<td>• Total number of unproductive navigation choices that occur</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Unproductive searches</td>
<td>• Total number of unproductive searches that occur</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Number of errors in using an application</td>
<td>• Total number of errors that occur while using an application</td>
</tr>
<tr>
<td>Efficiency</td>
<td>1. Efficiency of web site presentation</td>
<td>• Total page counts</td>
<td>• Total number of pages visited before locating desired procedures</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Unique page hits</td>
<td>• Total number of unique pages visited during search</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Search result link location</td>
<td>• Location of link in search results for desired procedure</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Web site link location</td>
<td>• Location of link to a desired procedure on web site page</td>
</tr>
<tr>
<td></td>
<td>2. Time on tasks, or completion time</td>
<td>• Time to locate the Web page that contains desired procedure</td>
<td>• Number of steps it takes to locate the right Web information page</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Time to recover from error</td>
<td>• Number of steps it takes to recover from an error</td>
</tr>
<tr>
<td>Satisfaction</td>
<td>1. Satisfaction with web site as the access point to agency records</td>
<td>Likert scale measures of:</td>
<td>Satisfaction with:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Navigation through the site</td>
<td>• Navigation through the site</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Search features of the site</td>
<td>• Use of search feature</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Relevance of results of searches</td>
<td>• Location of procedure in results of searches</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Location of site procedure links</td>
<td>• Location of links to procedures in site pages</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Navigation back to home page</td>
<td>• It was easy to navigate back to the agency home page from Web pages that contained guidance procedures</td>
</tr>
</tbody>
</table>


Selection of usability study sample. The Executive branch of government consists of fifteen Executive departments with associated agencies and organizations for each of the departments plus the Executive office of the President with associated agencies. The researcher randomly assigns a number unique to each department of the study, as shown in column one of
Table 3.8 below for purposes of identifying the Executive office of the President and the 15 Executive departments. For purposes of this study, agency refers to Executive office of the President, each Executive department, and key agencies and organizations of Executive departments as identified by USA.gov (2007).

Table 3.8 presents the total number of key agencies and/or organizations per department and the Executive office of the President. The Executive office, 15 executive departments, and 209 key agencies and organizations combined form the sampling frame for this study (Trochim, 2006). The total sampling frame for this study contains 216 units where a unit is the Executive office, one of the executive departments, or one of the key agencies or organizations as defined by USA.gov (2007).

Table 3.8: List of total number of agencies/organizations by Executive department.

<table>
<thead>
<tr>
<th>Department Number</th>
<th>Office of the President (+) Executive Departments</th>
<th>Number of Identified Key Agencies/Organizations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Executive Office of the President</td>
<td>18 offices and agencies</td>
</tr>
<tr>
<td>2</td>
<td>Department of Agriculture</td>
<td>23 key agencies</td>
</tr>
<tr>
<td>3</td>
<td>Department of Commerce</td>
<td>16 key agencies</td>
</tr>
<tr>
<td>4</td>
<td>Department of Defense</td>
<td>21 agencies</td>
</tr>
<tr>
<td>5</td>
<td>Department of Education</td>
<td>14 agencies</td>
</tr>
<tr>
<td>6</td>
<td>Department of Energy</td>
<td>13 key organizations</td>
</tr>
<tr>
<td>7</td>
<td>Department of Health and Human Services</td>
<td>15 key organizations</td>
</tr>
<tr>
<td>8</td>
<td>Department of Homeland Security</td>
<td>15 key organizations</td>
</tr>
<tr>
<td>9</td>
<td>Department of Housing and Urban Development</td>
<td>9 key organizations</td>
</tr>
<tr>
<td>10</td>
<td>Department of Justice</td>
<td>15 key organizations</td>
</tr>
<tr>
<td>11</td>
<td>Department of Labor</td>
<td>10 key agencies</td>
</tr>
<tr>
<td>12</td>
<td>Department of State</td>
<td>7 key agencies</td>
</tr>
<tr>
<td>13</td>
<td>Department of the Interior</td>
<td>9 key agencies</td>
</tr>
<tr>
<td>14</td>
<td>Department of the Treasury</td>
<td>9 key agencies</td>
</tr>
<tr>
<td>15</td>
<td>Department of Transportation</td>
<td>12 key agencies</td>
</tr>
<tr>
<td>16</td>
<td>Department of Veteran Affairs</td>
<td>3 key agencies</td>
</tr>
</tbody>
</table>

**Total** 209 agencies and organizations

For inclusion in the study, agencies must collect personal information through forms, emails, or other means. To develop a sample of agencies for review, the researcher will:

1. Assign each department and department agency a specific number, such as 1-12 if a given department contains 11 agencies (i.e. department plus 11 agencies).
2. Select participant sites for inclusion in the review by random drawing of the numbers.
3. Evaluation of each agency selected occurs in the order drawn.

If the researcher determines, through the course of data collection that an agency contains no guidance procedures AND no visible personal data fields in forms, email contact, or other means of contact are evident through the web site, the researcher drew another agency from the related department as a replacement.

Any agencies removed from the study will reduce the sampling frame total but not the total sample for the study. Agencies with no guidance procedures located but collect personal information through the agency web site (i.e. contain visible personal data fields in forms, email contact, and other means of contact) remain a part of the sample.

The target sample for review is 64 web sites, or approximately 28% of the initial 225 available units (i.e. agency web sites for review). The sample consists of all sixteen-department web sites plus three additional key agency web sites of each department.

**Data collection instrument development.** Table 3.9 below provides an example of the data collection log used for the usability study and the web-content review to record steps taken during a single site evaluation, time of exploration for each step, and an initial identification of the type and kind of each procedure located. Data entry for the instrument provides quantitative and qualitative data results.

<table>
<thead>
<tr>
<th>Usability/Web-content Review Search Log</th>
<th>Procedure Located</th>
</tr>
</thead>
<tbody>
<tr>
<td>Time</td>
<td>Search Steps</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 3.9. Usability/Web-content review search log to record data related to steps of search process.
Table 3.10 below provides an example of the usability data-collection instrument relative to measures that indicate the quality of experience in terms of effectiveness and efficiency (from table 3.7 above, usability goals and measures of access). The instrument data entry provides quantitative and qualitative data results for analysis of a single agency web site.

Data collected for measures include Yes/No/Somewhat responses, counts, and descriptions. For Yes/No/Somewhat measures, yes indicates the measure is accomplished and no indicates not accomplished. Somewhat indicates partially accomplished. Descriptions provide qualitative details of the location of links in web sites. Likert scale responses for links occur as part of the usefulness assessment (See table 3.12 below).

Table 3.10. Data collection instrument for effectiveness and efficiency of searches.

<table>
<thead>
<tr>
<th>Quality of Experience</th>
<th>Measures of Access</th>
<th>Measure</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effectiveness</td>
<td>Accomplished steps to locate procedures</td>
<td>Yes No Somewhat</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Located desired procedures</td>
<td>Yes No Somewhat</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unproductive navigation choices</td>
<td>Total Number: _____</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unproductive searches</td>
<td>Total Number: _____</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Number of errors in using an application</td>
<td>Total Number: _____</td>
<td></td>
</tr>
<tr>
<td>Efficiency</td>
<td>Pages visited</td>
<td>Total Number: _____</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Search result link location</td>
<td>Describe: ______</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Web site link location</td>
<td>Describe: ______</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Time to locate the right Web information page</td>
<td>Total Number of Steps to locate the right Web information page:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Time to recover from an error</td>
<td>Total Number of Steps to recover from an error: _____</td>
<td></td>
</tr>
</tbody>
</table>
Table 3.11 below provides an additional usability data-collection instrument relative to measures that indicate the quality of experience in terms of effectiveness and efficiency (See table 3.6 above). Data entry for the instrument provides count data results for analysis of a single agency web site.

Table 3.11. Count-sheet to determine total numbers of measures for table 3.10 above.

<table>
<thead>
<tr>
<th>Department Number: ___</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department/Agency name: _________________________________________________</td>
</tr>
<tr>
<td>Home page URL: ____________________________</td>
</tr>
<tr>
<td>Unproductive navigation choices</td>
</tr>
<tr>
<td>Unproductive searches</td>
</tr>
<tr>
<td>Number of errors in using an application</td>
</tr>
<tr>
<td>Pages visited</td>
</tr>
<tr>
<td>Total Number of Steps to locate the right Web information page</td>
</tr>
<tr>
<td>Total Number of Steps to recover from an error</td>
</tr>
</tbody>
</table>

Table 3.12 below provides an example of the usability data-collection instrument relative to measures that indicate the quality of experience in terms of satisfaction (See table 3.6 above). Data entry for the instrument provides quantitative and qualitative data results for analysis of a single agency web site.
Table 3.12. Data collection instrument for satisfaction with searches.

Please circle the number that best reflects your opinion for each statement.

<table>
<thead>
<tr>
<th>Statement</th>
<th>Strongly disagree</th>
<th>Disagree</th>
<th>Undecided</th>
<th>Agree</th>
<th>Strongly agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Navigation through the site was intuitive.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Please comment:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Search features were easy to locate and use.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Please comment:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Hierarchical order of documents found in results list of searches was relevant to a user’s search phrase.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Please comment:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Links to guidance procedures on web site pages were easy to locate</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Please comment:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. It was easy to navigate back to the agency home page from Web pages that contained guidance procedures</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Please comment:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Method to implement data collection. The researcher administers the usability study concurrently with the web-content review and assesses the same sites as the web-content review (below). The purpose of the usability study is to locate guidance procedures with information for individuals on how to make requests.

Success occurs for the usability study with the location of desired procedures. Steps to locate desired procedures per agency include:

1. Note the start time and begin log data collection process.
2. Search each home page for links to guidance procedures.
3. Search for guidance procedures using the search feature of each web site with phrases, such as Privacy Act, Privacy Act request, FOIA requests, and access to agency records).
4. Follow search result links to guidance procedures.
5. Read the content of each located guidance procedure.
6. When the desired procedure is located, timed usability study ends.
7. Complete data collection forms throughout the search process.
8. Complete additional data entry instruments and comment/description fields of instruments for usability study (i.e. descriptions or comments).
The researcher evaluates the usability of a web site until success (i.e. desired procedure located) or failure (i.e. no desired procedures located) of the search-process is determined. Upon successful location of a desired procedure for the usability method of the study, the researcher continues with the web-content process as explained below. Failure is determined when ten minutes elapse with no additional procedures located.

**Test data collection method and instrument.** Four individuals, who have research experience and/or extensive knowledge of the federal policy environment, pre-tested the usability data-collection instrument in four non-sample agency web sites for validity and reliability of the data collection method. The researcher of the study develops a usability protocol for expert pre-testing of the usability study process. Following the pre-test, the researcher modified the data collection method and data collection instruments as needed and then administered the usability study.

The researcher conducted the usability tests on all test sites for consistency in data collection efforts. The researcher used a single computer system to conduct the usability study to improve reliability and validity for timed tests.

**Web-content Review**

According to Babbie (1990), a review of documents can provide useful descriptions of the content of the documents. Babbie (1990, p.30) suggests the following steps to obtain descriptions:

1. Identify documents to review for data collection efforts.
2. Identify types of content.
3. Specify which types are favorable or would be regarded and scored as critical results.
4. Develop systematic scoring method.
5. Examine and score each document for relevance of desired content.
6. Specify how to develop and assign differential weights to each type of content.
7. Differentially weight types of content by strength of support or criticism in terms of favorable results or as regarded and scored as critical.
8. Aggregate scores by differential weight to characterize types of content (i.e. most favorable to least favorable)
Results of aggregated scores provide a pattern of presented content in the types of documents.

Data collection and analysis efforts for the web-content review follow Babbie’s steps.

**Steps for data collection.**

1. Identify usability goals, measures of access, and definitions of measures.
2. Select study sample from identified population.
3. Develop data collection instruments.
4. Develop method to implement data collection.
5. Test data collection method and instruments.
   a. Develop web-content review protocol for expert pre-testing of the process.
   b. Conduct expert tests of data collection method and instruments.
   c. Review results of expert tests.
   d. Modify data collection method and instruments based on review if necessary.
6. Administer web-content review.

**Web-content review goals and measures.** Table 3.13 below presents an overview of goals, measures of access, and definitions of the measures by types and kinds of guidance procedures available through agency web sites.

<table>
<thead>
<tr>
<th>What is Measured</th>
<th>Web-content Review Goal</th>
<th>Measures of Access</th>
<th>Definition of Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of guidance procedures</td>
<td>Identify and collect counts of types of procedures available through agency web sites</td>
<td>1. Privacy Act Information</td>
<td>1. The procedure contains information specific to statutory provisions of the Privacy Act.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Agency response information</td>
<td>2. The procedure contains information for agencies on how to respond to requests.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Individual submission information</td>
<td>3. The procedure contains information for individuals on how to submit requests.</td>
</tr>
</tbody>
</table>

**Selection of web-content review sample.** The web-content review occurs concurrently with the usability study and assesses the same sample drawn for the usability study. The Executive branch of government consists of fifteen Executive departments with associated
agencies/organizations for each of the departments plus the Executive office of the President with associated agencies. The researcher randomly assigns a number unique to each department of the study. The target sample for review is 64 total web sites, or approximately 28% of the 225 available department and key agency home pages for review. The sample consists of all sixteen-department home pages plus three additional key agency home pages of each department.

Data collection instrument development. The development of data collection instruments’ for the web-content review includes Babbie’s first two steps to obtain descriptions (1990, p.30):

1. Identify documents to review for data collection efforts.
2. Identify types of content.

These steps identify and help determine the data collection measures for the data collection instruments.

The web-content review method includes data collected using the data collection log of the usability study. Once the usability study is complete, additional searching of web sites to locate other available procedures produces ongoing entries to the usability log. Data collection instruments also collect counts of available types and kinds of guidance procedures located for each selected web site.

Based on a preliminary analysis of web sites; there are three types of guidance procedures currently identified:

1. Privacy Act information – the procedure contains information specific to statutory provisions of the Privacy Act.
2. Agency response information – the procedure contains information for agencies on how to respond to requests.
3. Individual submission information – the procedure contains information for individuals on how to submit requests.

Each department/agency may contain multiple types of procedures per web site.

Each type of guidance requests contains multiple kinds of information/instructions. Currently identified kinds of information/instructions found in the three types of guidance procedures generally provide information on or about the content of the procedure and include:

a. Privacy Act text – the web site or a procedure contains a link to the actual text of the Privacy Act.
b. Privacy Act explained – the procedure provides an explanation of the statutory provisions of the Privacy Act.

c. Executive agency developed procedures – the procedure contains department-developed guidance on how to respond to requests.

d. Non-executive agency developed procedures – the procedure contains non-agency developed guidance on how to respond to requests.

e. Instruction for individuals – the procedure only contains guidance (i.e. no forms) specific to how individuals should submit Privacy Act requests.

f. Forms for individuals – the procedure contains forms specific to how individuals should submit Privacy Act requests.

Appendix C presents screenshots that provide an example of each kind of procedure.

Table 3.14 (below) provides an example of ranked guidance procedures from most favorable to least favorable as a systematic scoring method. The researcher added additional rankings as necessary based on results of the data collection efforts to identify combinations of the kinds of information contained in types of guidance procedures.

<table>
<thead>
<tr>
<th>Type</th>
<th>Kind</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most Favorable</td>
<td>1. Privacy Act information</td>
</tr>
</tbody>
</table>
|                    | A. The web site or a procedure contains a link to the actual text of the Privacy Act; and  
|                    | B. The procedure provides an explanation of the statutory provisions of the Privacy Act.  |
|                    | 2. Agency response information                                         |
|                    | C. The procedure contains department-developed guidance on how to respond to requests.  |
|                    | D. The procedure contains non-agency developed guidance on how to respond to requests.  |
|                    | 3. Individual submission information                                   |
|                    | E. The procedure only contains instruction guidance (i.e. no forms) specific to how individuals should submit Privacy Act requests; and  
|                    | F. The procedure contains forms specific to how individuals should submit Privacy Act requests.  |
| Least Favorable    | 1. Privacy Act information                                             |
|                    | A. The web site or a procedure contains a link to the actual text of the Privacy Act.  |
Table 3.15 below provides an example of the log used for data collection for systematic scoring of a single guidance procedure identified by the usability and web-content review. The web-content review continues with entries into the log after the usability study is completed.

Table 3.15. Usability/Web-content review search log to record data related to steps of search process.

<table>
<thead>
<tr>
<th>Usability/Web-content Review Search Log</th>
<th>Procedure Located</th>
</tr>
</thead>
<tbody>
<tr>
<td>Time</td>
<td>Search Steps</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

In addition to the log above, table 3.16 below provides an example of a data collection template to assess each guidance procedure.

Table 3.16. Sample data analysis template for web-content review of agencies.

<table>
<thead>
<tr>
<th>Agency</th>
<th>Time (Entry ex. 21:37)</th>
<th>Type</th>
<th>Kind</th>
<th>Comments for reviewed procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Department Number</td>
<td>1. Start time</td>
<td>1</td>
<td>1</td>
<td>Elements useful for submitting a request, i.e. agency name and address, contact person, and/or requires the name of the system of records.</td>
</tr>
<tr>
<td>2. Dept/Agency name</td>
<td>2. Procedure located</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>3. Home page URL here</td>
<td>3. Content read</td>
<td>3</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4. Data entry completed</td>
<td>4</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>5</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>6</td>
<td>6</td>
<td></td>
</tr>
</tbody>
</table>
The agency column contains the assigned department number (See table 3.16 above), the name of the department/agency, and the URL of the home page. Column 2 presents measures of time as collected in the data collection log for each agency. The data-collection instrument collects counts of the types and kinds of information contained in a single guidance procedure.

The comment section allows for the collection of additional qualitative information where the researcher can note interesting aspects or anomalies of a specific presentation. Each agency web site may contain multiple procedures and the researcher independently assesses each located procedure using the instrument above.

**Method to implement data collection.** The researcher administers the web-content review concurrently with the usability study and assesses the same sites as the usability study (above). The purpose of the web-content review is to identify types and kinds of guidance procedures available through web sites. Steps to locate desired procedures per agency include:

1. Complete timed usability study.
2. If usability process was successful (i.e. desired procedure located), continue to search web site until a period of ten minutes passes with no additional procedures located.
3. Complete data entry process.

If the usability process does not locate guidance procedures for individuals on how to submit a request, the web-content review is complete as well.

**Test data collection method and instrument.** Four individuals, who have research experience and/or extensive knowledge of the federal policy environment, pre-tested the data collection method and instrument in four non-sample agency web sites for validity and reliability of the data collection method and instrument. Following the pre-test, the researcher modified the data collection method and data collection instrument as necessary and then administered the web-content review. The researcher conducted all web-content reviews for consistency of data collection efforts.

**Privacy Act Requests**

The Privacy Act requests method assesses steps required to implement procedures that inform individuals on how to submit requests for access to agency records and measures related
to submitted requests to agencies. Results of the usability study and web-content review guide the development and implementation of the assessment of Privacy Act requests process.

**Steps for data collection.**

1. Identify assessment goals, measures of access, and definitions of measures.
2. Select federal agency sites for assessment of requests procedures.
4. Develop method to implement data collection.
5. Test data collection method and instruments.
   a. Review data collection instrument with experts as pre-test of the process.
   b. Modify data collection method and instruments based on review.
6. Administer assessment of Privacy Act requests procedures.
7. Submit test requests to selected agencies.

**Privacy act request goals and measures.**

<table>
<thead>
<tr>
<th>Quality of Experience</th>
<th>Procedure Goal</th>
<th>Measures of Access</th>
<th>Definition of Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Efficiency</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Effective-ness</td>
<td>1. Completion rates</td>
<td>Steps required to implement desired procedures</td>
<td>Identify pathway needed to implement requests</td>
</tr>
<tr>
<td></td>
<td>2. Accuracy</td>
<td>Single guidance procedure needed to complete process</td>
<td>One guidance procedure provides all information needed to implement request</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Unproductive implementation process</td>
<td>Multiple sources of guidance needed to make submission</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Number of errors in using a guidance procedure</td>
<td>Total number of errors that occur while using guidance procedures</td>
</tr>
<tr>
<td>Efficiency</td>
<td>1. Efficiency of request process</td>
<td>Sources needed</td>
<td># Sources visited to implement requests</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Source locations</td>
<td>Location of sources needed to submit requests</td>
</tr>
<tr>
<td></td>
<td>2. Steps to complete tasks</td>
<td>Steps needed to implement requests</td>
<td>Total steps needed to implement requests</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Steps needed to identify and locate additional sources</td>
<td>Total steps needed to identify and locate additional sources</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Steps to recover from an error</td>
<td>Total number of steps it takes to recover from error</td>
</tr>
<tr>
<td>Satisfaction</td>
<td>1. Request process as access point</td>
<td>Likert scale measures of: Access procedure Submission process</td>
<td>Satisfaction with: Access procedure Submission process</td>
</tr>
</tbody>
</table>
The Privacy Act request method provides quantitative and qualitative measures of the quality of a user’s experience in submitting requests based on located guidance procedures, availability of most favorable procedures for the requests (See table 3.14, ranking of types and kinds of guidance procedures ranking of procedures), and responses of agencies to requests. Table 3.17 above presents goals and measures used to indicate levels of quality in terms of effectiveness, efficiency, and satisfaction.

**Selection of privacy act requests sample.** The Privacy Act requests method assesses selected agencies from the same sample drawn for the usability and web-content review methods. The Executive branch of government consists of fifteen Executive departments with associated agencies/organizations for each of the departments plus the Executive office of the President with associated agencies.

The researcher randomly assigns a number unique to each department of the study. The target sample for review is 64 web sites, or approximately 28% of the 225 available department and key agency home pages for review. The sample consists of all sixteen-department home pages plus three additional key agency home pages of each department.

For the submitted requests process, the researcher identifies agencies from the sample whose web sites contain at least one guidance procedure that contains information for individuals on how to submit requests. The researcher drew one agency per department from all agencies in a department whose web sites contain at least one procedure as described above for sixteen submitted requests.

**Data collection instrument development.** Steps for the development of data collection instruments’ for Privacy Act requests include:

1. Identify documents to review for data collection efforts.
2. Follow steps presented in each document.
3. Develop systematic scoring method.

These steps identify and help determine the data collection measures for the data collection instruments.

The researcher ranks guidance procedures that contain information for individuals on how to submit requests from most favorable to least favorable by session where a single session
is marked from a start point to an end. For example, having to email an agency for the name of a contact person or the name of the correct agency to submit a request where the requester must stop a session while waiting for an action to occur ends a session. The researcher will add additional rankings if necessary based on results of the data collection efforts. Table 3.18 provides an example of a systematic scoring method.

Table 3.18. Privacy Act requests process-scoring method.

<table>
<thead>
<tr>
<th>Score</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most Favorable to Least Favorite</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>3</td>
</tr>
</tbody>
</table>

Table 3.19 below provides an example of the data collection log used for the requests process to record steps taken during assessment of a single procedure. The log records time needed to complete steps of a procedure, actual steps required, and comments related to the process. Data entry for the instrument provides quantitative and qualitative data results.

Table 3.19. Privacy Act requests log to record data related to steps needed to submit requests and for responses from submitted requests.

<table>
<thead>
<tr>
<th>Privacy Act Request Submission/Response Log</th>
<th>Time</th>
<th>Submission Steps</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table 3.20 below provides an example of the Privacy Act requests data-collection instrument relative to measures that indicate the quality of experience in terms of effectiveness and efficiency (See table 3.6 above). Data entry for the instrument provides quantitative and qualitative data results for analysis of a single agency web site.

### Table 3.20. Data collection instrument for effectiveness and efficiency of searches.

<table>
<thead>
<tr>
<th>Quality of Experience</th>
<th>Measures of Access</th>
<th>Measure</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effectiveness</td>
<td>Accomplished steps required to submit request</td>
<td>Yes No Somewhat</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Single guidance procedure needed to complete process</td>
<td>Yes No Somewhat</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unproductive submission</td>
<td>Total Number Sources: ____</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Number of errors in using a guidance procedure</td>
<td>Total Number: _____</td>
<td></td>
</tr>
<tr>
<td>Efficiency</td>
<td>Sources needed</td>
<td>Total Number: _____</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Source locations</td>
<td>Describe: ______</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Steps needed to submit requests</td>
<td>Total Number: _____</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Steps needed to identify and locate additional sources</td>
<td>Total Number: _____</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Steps to recover from an error</td>
<td>Total Number: ____</td>
<td></td>
</tr>
</tbody>
</table>

Data collected for measures include Yes/No/Somewhat responses, counts, and descriptions. For Yes/No/Somewhat measures, yes indicates success of the measure and no indicates failure of the measure. Somewhat indicates partial success in completing a measure. Descriptions provide qualitative details related to the measure. Likert scale responses for measures of access occur as part of the satisfaction assessment (See table 3.22 below).
Table 3.21 below presents another Privacy Act requests data analysis instrument relative to measures that indicate the quality of experience in terms of effectiveness and efficiency (See table 3.6 above). Data entry for the instrument provides count data results for analysis of a single agency web site.

Table 3.21. Count-sheet to determine total numbers of measures for table 3.20 above.

<table>
<thead>
<tr>
<th>Department Number: ___</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department/Agency name: ____________________________________________________________________</td>
</tr>
<tr>
<td>Home page URL: ________________________________________________________</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total Number: One tick mark per count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of errors in using guidance procedures</td>
</tr>
<tr>
<td>Sources needed</td>
</tr>
<tr>
<td>Steps needed to submit requests</td>
</tr>
<tr>
<td>Steps needed to identify and locate additional sources</td>
</tr>
<tr>
<td>Steps to recover from an error</td>
</tr>
</tbody>
</table>

Table 3.22 below provides an example of the usefulness data-collection instrument relative to measures that indicate the quality of experience in terms of satisfaction (See table 3.6 above). Data entry for the instrument provides quantitative and qualitative data results for analysis of a single agency web site.

Table 3.22. Data collection instrument for satisfaction with searches.

| Please circle the number that best reflects your opinion for each statement. |
|------------------|------------------|------------------|------------------|------------------|------------------|
|                  | Strongly disagree | Disagree         | Undecided        | Agree            | Strongly agree   |
| a. Guidance procedures needed to submit a request were intuitive. |
| Please comment: |
| b. Guidance procedures needed to submit a request were easy to locate and use. |
| Please comment: |
Table 3.23 below provides an example of the data collection log for requests submitted to agencies. The “Sent to Agency” column is yes when enough information is available during a single session to submit the request. A no indicates additional sessions are required to complete the submission process for an agency.

<table>
<thead>
<tr>
<th>Agency Name</th>
<th>Sent to Agency (Y/N)</th>
<th>Date Sent</th>
<th>Date Agency Response Received</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Method to implement data collection.** The researcher administers the assessments of Privacy Act requests procedures following the usability study and the web-content review and assesses the same sample of agency web sites used for the usability study and web-content review. The purpose of the assessment of requests procedures is to assess steps needed to complete procedures that provide information to individuals on how to make requests in terms of effectiveness, efficiency, and satisfaction with the request process. Steps to implement the request process include:

1. Note the start time and begin log data collection process.
2. Follow the steps of the procedure.
3. Locate additional sources of guidance if needed to complete the submission process.
4. Complete data entry process.

Successful completion of the process occurs when the researcher reaches the point of actual submission of a request to the agency. Failure to complete the process occurs if the researcher is unable to reach the point of actual submission at the time of assessment.
For actual submission of requests, the researcher submits one request per department from the sample drawn for the study. For the submitted requests process, the researcher identified agencies from the sample whose web sites contain at least one guidance procedure that contains information for individuals on how to submit requests. The researcher drew one agency per department from all agencies in a department whose web sites contain at least one procedure as described above for sixteen submitted requests.

Test data collection method and instrument. For the analysis of guidance procedures that provide information to individuals on how to submit a Privacy Act requests, four individuals who have research experience and/or extensive knowledge of the federal policy environment pre-tested the data collection method and instrument in four non-sample agency web sites for validity and reliability of the data collection method and instrument. Based on the review, the researcher modified the data collection method and data collection instruments as needed and administered the request process.

For submitted Privacy Act requests to agencies, the researcher followed the best available guidance procedure from each of the 16 selected agencies (See method to implement data collection section above). The submitted Privacy Act request process did not need pre-testing of data collection instruments. The researcher used a single log for all 16 submitted requests and marked the submission date, the date an agency responded, and added any relevant comments. The researcher assessed all requests procedures for consistency in data collection efforts.

Data Analysis

Findings of data collected from the different methods of this study provide results relative to how individuals’ access agency records that contain personal information through federal web sites. The policy analysis produces qualitative data used to assess the potential affects of key issues from selected areas of the privacy policy environment on individual’s access to agency records. Analysis of results of the policy analysis includes:

1. Identify and assess the affects of key issues from the privacy policy environment on how agencies develop and implement procedures through federal web sites.
2. Comparison of the policy analysis results to results of the usability study, web-content review, and Privacy Act requests to assess actions taken by agencies to implement
procedures where results of the methods can provide insights of agency actions in terms of providing access for individuals to agency records through federal web sites.

3. Comparison of the policy analysis results to results of the usability study, web-content review, and Privacy Act requests to assess actions taken by agencies to implement procedures where results of the methods cannot provide insights of agency actions in terms of providing access for individuals to agency records through federal web sites.

The results of the policy analysis guide the development of study recommendations to improve individual’s access to agency records through agency web sites.

The usability study produces quantitative and qualitative data for analysis. Steps to analyze the data include develop data analysis tables, enter data into tables, and analyze data. The web-content review and Privacy Act requests provide quantitative and qualitative data for analysis. Babbie’s steps for a review process of guidance procedures guide the analysis of data collection results for the web-content review and Privacy Act requests (1990, p.30) and include:

1. Specify which types are favorable or would be regarded and scored as critical results.
2. Develop systematic scoring method.
3. Examine and score each document for relevance of desired content.
4. Specify how to develop and assign differential weights to each type of content.
5. Differentially weight types of content by strength of support or criticism in terms of favorable results or as regarded and scored as critical.
6. Compile aggregate scores by differential weight to characterize types of content (i.e. most favorable to least favorable).
7. Analyze data.

Data analysis efforts for the usability study, web-content review, and Privacy Act request provide results that accomplish the goals set for each method and the study goals and objectives.

The researcher uses descriptive statistics for analysis of data that “describe the basic features of the data in a study” and “provide simple summaries about the sample and the measures (Trochim, 2006b, n.p.)”. Descriptive statistics describe what the data shows using simple graphics analysis.
Ensuring Valid and Reliable Data

“In conventional usage, validity refers to the extent to which an empirical measure adequately reflects the *real meaning* of the concept under considerations (Babbie, 1990, p. 133); or put another way, validity “is the extent to which a test measures what it claims to measure (About.com, 2008)”. This study addresses issues of validity in terms of the following criteria:

- **Internal validity** – data provided by different tests of the same method produce consistent results, i.e. assess multiple web sites using the same method (Trochim, 2006d, n.p.). The researcher uniformly conducted assessments using the usability study, web-content review, and Privacy Act requests methods of all 64 agencies included in the study sample. Following data collection, the researcher evaluated consistency of findings for each method to assess internal validity of the research methods and data collection instruments;

- **Construct validity** – the “degree to which inferences can legitimately be made from the operationalizations in your study to the theoretical constructs on which those operationalizations were based (Trochim, 2006a, n.p.)”. According to Babbie, it is the logical relationship among variables (2001). For this study, the researcher has theorized that information access for individuals through agency web sites occurs by means of guidance procedures provided by agencies either in or through their web sites. For this study, the provision of information for individuals on how to access agency records is clearly defined and measured in terms of guidance procedures;

- **External validity** – generalizations are limited to the parameters of the data collected. The researcher only generalized findings of the research within the parameters of the data collected from the study sample and did not generalize findings to other agencies included in the sampling frame or to other agencies of the Executive branch not included in the sampling frame. (Trochim, 2006c, n.p.); and

- **Face validity** – addresses the question of an instrument actually measuring what the researcher intended to measure and whether measures seem like the reasonable way to obtain wanted information. (Babbie, 2001; Colorado State University, 2008; Trochim, 2006e, n.p.) For face validity, experts outside of the study evaluated and pre-tested study instruments to confirm that the instruments measure what they are purported to measure and for the intended reasons. For the usability study, web-content review, and Privacy
Act requests methods, four individuals who have research experience and/or extensive knowledge of the federal policy environment pre-tested the data collection method and instrument in four agency web sites for validity and reliability of the data collection method and instrument.

The above criteria are subject to re-evaluation during the course of the study and at the conclusion of data collection efforts.

“In the abstract, reliability is a matter of whether a particular technique, applied repeatedly to the same object, would yield the same result each time.” (Babbie, 1990, p.132) This study addresses issues of reliability in terms of the following criteria:

1. Experts in the field of policy research review and pre-test data collection instruments for relevance to topic, comprehensiveness of types and kinds of data collected, and consistency of data collection by the instrument.
2. The researcher trains four coders and each coder conducts searches through four sample sites to determine intercoder reliability.
3. The researcher conducts all data collection efforts to provide a consistent collection process of both qualitative and quantitative data.
4. Data collection efforts occur on the same computer.
5. The researcher checks upload and download speeds of the designated research computer prior to each collection effort to improve reliability of timed collection efforts.
6. The policy analysis assesses key issues specifically related to how agencies develop and implement procedures through web sites.
7. The usability study and Privacy Act request measure the effectiveness, efficiency, and usefulness/satisfaction of procedures available through web sites.
8. The researcher present results of each method in terms of individual’s access to agency records.

The above criteria are subject to re-evaluation during the course of the study and at the conclusion of data collection efforts.

Table 3.23 below summarizes steps taken to ensure consistency of data collection efforts.
Table 3.24. Data collection instruments to provide data for analysis

<table>
<thead>
<tr>
<th>Method</th>
<th>Expert Review of Instruments</th>
<th>Expert Pretest of Instruments</th>
<th>Results in Terms of Success of Access to Agency Records</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy Analysis</td>
<td>N/A</td>
<td>N/A</td>
<td>Yes</td>
</tr>
<tr>
<td>Web-content Review</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Usability Study</td>
<td>Yes</td>
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<td>Yes</td>
</tr>
<tr>
<td>Privacy Act Requests</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Justification of the Methodology

This exploratory study employs an iterative, multi-method evaluation approach to understand access for individuals through federal web sites to records maintained by executive agencies that contain personal information as defined by the Privacy Act. Results of the research:

1. Determine the usefulness of the preliminary study framework (Chapter 1, Figure 1.4).
2. Address research questions to gain an understanding of how presented procedures affect individual’s access to agency records.
3. Identify policy, agency, and citizen/user issues related to access to agency records.
4. Assess the quality of the measures used for data collection in terms of policy research involving federal web sites.
5. Provide recommendations to improve federal policy development and implementation, agency provision of access to records for individuals through web sites, and citizen/user privacy related access to agency records.

The methodology addresses the goal of the study, which is to improve access to agency records for individuals through federal web sites.

Relation of Methodology to Study Approach

This study refers to privacy related access to agency records for individuals through web sites as the Privacy Act Access Component of Federal Agency Web sites (See Chapter 1, Figure 1.4). The methodology provides an assessment of the access component of the Privacy Act.

Methods used to assess the access component include:

1. Literature review – identifies key issues related to factors that affect implementation of the privacy access component.
2. Policy analysis – provides an assessment of the key issues to gain an understanding of affects of these issues on the presentation of the access component.
4. Web-content review – provides measures of the types and kinds of procedures available through the access component.
5. Privacy Act requests – provide measures of steps required to submit requests.

Analysis of the access component using the methods above provides an assessment of the quality of measures for policy-related research of federal web sites and identifies policy, federal agency, and citizen/user issues. Results of the research of the study inform the development of recommendations to improve access for individuals to agency records at the federal policy level, for citizens/users, and for federal agencies.

Assumptions and Limitations of Methodology

The study methodology utilizes multiple methods to assess access to agency records through federal web sites from multiple perspectives. Assumptions of the study include:
1. Multiple methods of data collection efforts provide a composite picture far more comprehensive than any single evaluation strategy can provide (Bertot, McClure, and Ryan, 2001; Miles, 1994).
2. Assessment from multiple perspectives provide a more comprehensive understanding of the relationship between presented procedures and individuals obtaining information on how to request access to agency records.
3. Minimal changes occur to sites during assessment period.
4. Procedures presented through the web sites actually represent how agencies respond to requests.

Re-evaluation of the assumptions occurs in chapter 7.

In addition to the assumptions above, the researcher also identified initial potential limitations of the study. These initial limitations include:
1. Agencies autonomously comply with Privacy Act statutory provisions.
2. Agencies autonomously develop and implement procedures.
3. Simply being a policy does not reflect agencies actions related to the policy.
4. The methods of this study can only identify and assess presented procedures.
5. Presented procedures provide very limited insights of an agency’s decision-making process.
6. Lack of available documents limit the determination of the affects of key issues on the privacy policy environment.
7. Lack of access to internal Congressional, Executive Office, and Executive agency documents, as well as information regarding the decision-making processes of these government entities affect understanding how issues of the policy environment can affect access to agency records.

Re-evaluation of the limitations occurs in chapter 7.

**Summary of Methodology**

The purpose of the methodology is the assessment of the current state of the Privacy Act access component of federal agency web sites. The research design employs multiple data collection methods to understand the current state from the perspectives of the privacy policy environment, federal agencies, and individuals. In addition, the research design of the methodology produces data where the results of data analysis provides a broader, more comprehensive understanding of the access component than any single method could provide.

The methodology utilizes a usability study, a web-content review, Privacy Act requests, and submitted requests to provide measures related to how agencies present procedures through federal web sites. A policy analysis provides an assessment of issues related to the privacy policy environment to gain an understanding of the affects of the issues on how agencies provide access to agency records. In addition, the methodology allows the researcher to successfully answer the research questions and accomplish the goals and objectives of the study.

The results of the data collection and data analysis efforts of this study provide an overview of the status of the current state of the Privacy Act access component of federal agency web sites. Findings produced from the methodology of this study also have the potential to improve access for individuals to agency records by improving access in terms of the federal policy environment, agency provision of access, and individual’s ability to locate needed guidance on how to access records.

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CHAPTER 4
INFORMATION PRIVACY POLICY ANALYSIS

Analysis of Issues that Affect Access to Agency Records

Introduction

The Literature Review in chapter 2 provides an overview of selected issues that affect how federal agencies provide Privacy Act access for individuals to agency records that contain personal information. Personal information, however, is just one type of government information maintained by agencies. While the Privacy Act is specific to personal information maintained by agencies, the federal information policy environment includes other laws with statutes that determine how agencies maintain all information and how they provide access for individuals to the information.

This chapter addresses the first research question of the study, which is how issues, such as provisions of the Privacy Act and other federal laws affect how agencies provide access for individuals to agency records. Privacy Act related access, as assessed in this study is specific to how federal agencies provide information to individuals on how to submit a Privacy Act request for access to agency records. This study’s data collection efforts explore how federal agencies provide access; however, the results of these efforts are not included in the discussions presented in this chapter.

This chapter analyzes access to agency records in terms of the Privacy Act as affected by a broader federal information policy environment that determines how agencies maintain all information they collect. In addition, this chapter assesses selected Privacy Act statutes and objectives created by Congress to meet the purpose of the Privacy Act.

Access to Agency Records

The Federal Records Act of 1950 (FRA) as amended (44 U.S.C. § 2901 et seq.), “establishes the framework for records management in Federal Agencies” (ED.gov, 2005). FRA requires agencies to keep adequate records that document organization functions, policies, decisions, procedures, and transactions. FRA statutes standardize and operationalize how federal
agencies develop and maintain records; however, FRA does not contain any statutes that provide for the disclosure of agency records.

Passed in 1967, FOIA (5 U.S.C. § 552) was the first disclosure law enacted by Congress. As a disclosure law, FOIA provides a statutory right of public access for individuals to non-exempt agency records, i.e. agency records that do not fall under FOIA’s nine exemptions or three exclusions of release. FOIA (OIG, 2009):

Generally provides that any person has a right, enforceable in court, of access to federal agency records, except to the extent that such records (or portions thereof) are protected from disclosure by one of the nine exemptions or by one of three special law enforcement record exclusions.

Although FOIA exemptions and exclusions restrict the release of specific records or portions of records, FOIA statutes do not specifically address an individual’s right of access to records that contain the individual’s personal information. In addition, Congress did not pass FOIA to provide protections of personal information.

To provide statutory protections of personal information maintained by agencies, Congress amended FOIA with the Privacy Act of 1974. The Privacy Act contains statutes developed specifically to (Department of Justice, 2004b):

Balance the government's need to maintain information about individuals with the rights of individuals to be protected against unwarranted invasions of their privacy stemming from federal agencies' collection, maintenance, use, and disclosure of personal information about them.

The Privacy Act provides protections of personal information and includes disclosure statutes that give individuals the rights of access to Privacy Act defined records that contain personal information and amendment of the information contained in the records.

**Analysis of access to agency records.** Section (b)(6) of FOIA (i.e. exemption 6) states access does not apply to “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy” (5 U.S.C. § 552). No FOIA statutes state that individuals may request and receive copies of records that contain their own personal information.

From enactment until amendment by the Privacy Act (i.e. 1967-1974), no definitive rulings determined the extent to which FOIA statutes allowed individuals the right to request

Exemption 6 permits the government to withhold all information about individuals in ‘personnel and medical files and similar files’ when the disclosure of such information ‘would constitute a clearly unwarranted invasion of personal privacy.’ These exemptions are a vitally important part of the FOIA’s statutory scheme, but of course they cannot be invoked to withhold from a requester information pertaining only to himself.

Exemption 6 protects the release of records that contain personal information.

Agencies determine if the release of records with personal information outweighs a requester’s need for the information. If an agency determines that release of a record may invade an individual’s personal privacy, the agency can withhold the records or redact personal information from the records by inciting exemption six.

Initial applications of FOIA statutes (i.e. 1967 – 1974) do not include a right of access for individuals to their own personal information in records; however, the House report in 1974 and subsequent judicial interpretations do support a FOIA statutory right of access for individuals to agency records that contain the individual’s personal information. The Congressional interpretation of this FOIA statutory right of access for individuals to records that contain their personal information, however, did not occur until Congress was amending FOIA with the Privacy Act statutes in 1974.

FOIA allows individuals to request records that contain their own personal information; however, exemption six (5 U.S.C. § 552 (b)(6)) prohibits the disclosure of records that contain personal information “which would constitute a clearly unwarranted invasion of personal privacy”. FOIA statutes protect individuals’ personal information contained in records, i.e. FOIA protects third party’s personal information in agency records.

The Privacy Act allows individuals to request access to records that contain their personal information and seek amendment of the records if the records contain incorrect information. The Privacy Act, however, does not contain any statutory exemptions that prohibit the disclosure of
records that contain a third party’s personal information. Privacy Act statutes do not provide protection against a clearly unwarranted invasion of personal privacy, i.e. Privacy Act statutes do not provide protections for a third party’s personal information contained in agency records.

**Key finding.** FOIA statutes protect individuals’ personal information contained in records, i.e. FOIA protects third party’s personal information in agency records.

**Key issue.** Privacy Act statutes do not provide protections for a third party’s personal information contained in agency records.

**Recommendation.** Congress should amend the Privacy Act to include protections for third parties’ personal information contained in agency records. Congress can do this by adding an exemption to protect third party information, similar to FOIA exemption six, and requiring actions such as redactions of third parties’ personal information from records.

**Electronic Access to Agency Records**

From the 1970’s through present day, the format of agency records and the management systems for these records have transitioned from paper-based records and systems to electronically formatted records and electronic access of the records. To address this transition, Congress amended the Privacy Act in 1988 and FOIA in 1989. FOIA, as amended in 1989 broadened the definition of agency records to include all formats of a record improving access for individuals to agency records based on FOIA provisions.

In 1988, Congress amended the Privacy act by passing the *Computer Matching Privacy Protection Act* (CMPPA). CMPPA added privacy related protections for electronically matched agency records between source agencies and recipient agencies (i.e. other agencies or government contractors).

From the 1990s to present, the method of access for individuals to federal information services and resources continued to evolve, primarily from direct contact with federal agencies (i.e. via brick and mortar offices or telephone and fax services) to contact through agency web sites. Congress recognized this trend and passed a number of laws to address the transition from direct contact with agencies to an online environment that includes increased interaction between individuals and federal agencies and increased electronic delivery of government information services and resources.
In addition, Congress recognized the need for a structured, interoperable, and standardized means of transition to implement more effective and efficient electronic access for individuals to agency records. To improve the effectiveness and efficiency of electronic interactions between individuals and federal agencies, Congress amended the Paperwork Reduction Act (PRA) of 1980 (P.L. 96-511).

PRA, as amended in 1995 (44 U.S.C. 3501 et seq.) makes federal agencies publicly accountable for reducing the burden of federal paperwork on the public. PRA requires agencies to “minimize the paperwork burden for individuals…resulting from the collection of information by or for the Federal Government” (44 U.S.C. 3501(1)) and to disseminate public information “in a manner that promotes the utility of the information to the public and makes effective use of technology” (44 U.S.C. 3501(7)).

Following PRA, Congress passed the Information Technology Management Reform Act of 1996 (ITMRA; PL 104-106 Part E), a.k.a. the Clinger-Cohen Act. The Clinger-Cohen Act addresses the management of information technology in the federal government by establishing agency Chief Information Officers (CIO) to oversee website development and management of agency information presented via agency web sites. In conjunction with the Clinger-Cohen Act, Congress amended FOIA with E-FOIA of 1996 (P.L. No. 104-231) to improve electronic access for individuals to government information, i.e. agency records.

E-FOIA modifies how agencies provide access to agency records. For records created on or after November 1, 1996, E-FOIA provisions require that “each agency shall make such records available, including by computer telecommunications or, if computer telecommunications means have not been established by the agency, by other electronic means” (5 U.S.C. § 552(a)(2)(E)). E-FOIA provisions also require that agencies provide electronic access to government services and resources through federal web sites.

Two years later, Congress passed the Government Paperwork Elimination Act of 1998 (GPEA; PL 105-277) to standardize electronic access across agencies. GPEA establishes that web sites should be interoperable and standardized across agencies of the federal government to promote effectiveness and efficiency in the delivery of government information services and resources to citizens.

To improve the effectiveness and efficiency of how individuals interact with government, Congress amended PRA in 1995, which makes federal agencies publicly accountable for
reducing the burden of federal paperwork on the public. E-FOIA (1996) also reduces the burden of federal paperwork on the public with statutes that require electronic access for individuals to agency records.

The Clinger-Cohen Act establishes management practices for electronic access to government records through agency web sites. In addition, GPEA establishes that web sites should be interoperable and standardized across agencies of the federal government. Together, statutes of these four laws address federal government’s need to become more effective and efficient in how agencies provide access to government information through agency web sites.

In addition to the above, OMB, the Executive Office, and the E-Government Act promote citizen-centered government. In 2001, OMB, along with input from other federal agencies developed 25 E-Government initiatives in five general areas to promote citizen-centered government. Of these five areas, Government to Citizen, Government to Government, and Internal Efficiency and Effectiveness specifically address how individuals interact with government and promote citizen-centered government.

The goal of these initiatives focuses on the elimination of redundant systems in agencies and the improvement of government’s quality of customer service for citizens. The intent of these initiatives is to provide guidance that will improve the efficiency and effectiveness of: 1) agency-to-agency internal interaction and communication, and 2) citizen-to-agency interaction and communication through government websites. (E-GOV, 2007a,b,c)

Following OMB’s initiative in 2002, the Bush administration’s vision for government reform, as outlined by the President on July 10, 2002 focuses on three initiatives, “Government should be citizen-centered, results-oriented, and market-based” (Secretary, 2002; E-GOV, 2007a,b,c). In December 2002, President Bush signed into law H.R. 2458, known as the E-Government Act. The E-Government Act statutes addressed the President’s vision for government reform (Press Secretary, 2002).

Congress’ intent in passing the E-Government Act includes “establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to government information and services” (PL 107-347). In passing the E-Government Act, Congress found:

- The federal government has had uneven success in applying advances in information technology to enhance governmental functions and services, achieve more efficient
performance, increase access to government information, and increase citizen participation in government (Sec.2(a)(2); and

- Electronic government has its impact through improved government performance and outcomes within and across agencies (Sec.2(a)(5)).

The E-Government Act addresses concerns from Congress related to access to government information and services with a focus on the improvement of performance and outcomes within and across federal agencies.

Together, the E-Government Act along with statutory provisions of PRA, E-FOIA, the Clinger-Cohen Act, GPEA, and other laws, initiatives, and management practices create an electronic, information-access policy environment that has evolved from paper-based record management and access systems to electronic record management and access systems. In addition, this electronic environment has evolved to a point where access to government information increasingly occurs via the Internet through federal agency web sites. E-Government typically refers to an electronic policy environment where individuals increasingly interact with government agencies for access to government services and resources through federal web sites. (Department of Justice, 2004b; Ferrao, 1999; Jaeger et al., 2002; Relyea & Kolakowski, 2007)

**Analysis of electronic access to agency records.** As presented above, statutory provisions of the selected laws have created an electronic, information-access policy environment that has evolved from paper-based record management and access systems to electronic record management and access systems. OMB and the Executive Office have developed initiatives designed to promote citizen-centered government reform by improving the effective and efficient delivery of government services and resources through federal web sites. In addition, this electronic environment has evolved to a point where the combined statutory provisions of laws such as PRA, Clinger-Cohen, E-FOIA, GPEA, and the E-Government Act promote interoperable and standardized electronic access to government information through federal agency web sites utilizing Internet-based information technology.

The move towards E-Government and increased electronic delivery of government information via the Internet has to a degree left the Privacy Act behind, specifically in terms of access for individuals to agency records. For example, Congress has significantly amended FOIA six times since its initial passage in 1966 (i.e. 1974, 1976, 1986, 1996, and 2002). The latest
major revision (i.e. E-FOIA of 1996) requires that agencies provide electronic access to
government information through agency web sites.

In comparison, the only significant amendments to the Privacy Act of 1974 occurred in
1988 (i.e. the passage of CMPPA) when Congress addressed fears that shared electronic records
would diminish privacy protections. Since 1988, a number of laws have amended the Privacy
Act; however, amendments from other laws did not create any major changes to the law.

The Privacy Act of 1974, as amended has remained virtually unchanged since 1988, yet
the information policy environment has changed dramatically from direct contact with agencies
to the mandated electronic delivery of many government information services and resources. The
Privacy Act, however, still promotes direct contact with agencies as opposed to contact through
agency web sites. For example, section 5 U.S.C. § 552a(b), conditions of disclosure of the
Privacy Act states:

No agency shall disclose any record, which is contained in a system of records by
any means of communication to any person, or to another agency, except pursuant
to a written request by, or with the prior written consent of, the individual to
whom the record pertains.
Based on current Privacy Act statutes, individuals must submit written requests for access
to agency records.

In addition, section 5 U.S.C. § 552a(f)(5) states that agencies must “establish fees
to be charged, if any, to any individual for making copies of his record”. Agencies still
provide hard copies of records for Privacy Act requests.

The Privacy Act does not contain any statutes requiring electronic access for
individuals to records or electronic retrieval of records from agencies, which does not
follow PRA statutes to reduce paperwork burdens or E-FOIA statutes that require
electronic access for individuals to agency records. Privacy Act statutes of access to
agency records remain paper-based.

GPEA mandates that web sites should be interoperable and standardized across
agencies of the federal government. The E-Government Act establishes a broad
framework of measures that require using Internet-based information technology to
enhance individual’s access to government information and services. Privacy Act
statutes, however, do not promote the interoperable and standardized presentation of
Internet-based information technology to enhance individual’s access to government information resources across agencies of the federal government.

In summary, Privacy Act statutes promote paper-based access to and receipt of agency records. In addition, Privacy Act statutes do not require electronic access to agency records through agency web sites or promote interoperable and standardized Internet-based information technology to enhance individuals’ access to agency records.

Key findings.

1. PRA makes federal agencies publicly accountable for reducing the burden of federal paperwork on the public.
2. E-FOIA requires electronic access to agency records through agency web sites.
3. Clinger-Cohen Act establishes management practices for electronic access to government information through agency web sites.
4. GPEA establishes that web sites should be interoperable and standardized across agencies of the federal government.
5. E-Government Act establishes a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services.

Key issues.

A. Privacy Act statutes promote paper-based access for individuals to privacy related information.
B. Privacy Act statutes do not promote electronic access to agency records.
C. Privacy Act statutes do not require that agencies establish and implement management practices for electronic access to Privacy Act related information resources through agency web sites.
D. Privacy Act statutes do not promote interoperable and standardized presentations of Privacy Act mandated protections across agencies of the federal government.
E. Privacy Act statutes do not include or promote a broad framework of measures that require using Internet-based information technology to enhance individuals’ access to privacy related government information and services.
**Recommendations.** Congress should amend the Privacy Act to include statutes that require electronic access to privacy related government information and improve citizen-centered government for access to agency records through agency web sites, such as:

1. Require that each federal agency maintain a dedicated Privacy Act site as part of the agency’s web site to promote the electronic delivery of privacy related information.
2. Develop privacy information specific web site content guidelines to insure that access to all relevant Privacy Act sources of information is consistent across agencies.
3. Develop electronic access and communication guidelines for agency web sites that improve the efficiency and effectiveness of citizen-to-agency interaction and communication through the privacy web sites.
4. Amend the Privacy Act to require interoperable and standardized privacy web sites in each agency to promote the delivery of privacy related information across agencies.

In addition, Congress should mandate that OMB establish, manage, and implement guidelines and practices to promote electronic access and require that all agencies adopt the guidelines and practices to improve standardized and interoperable web sites.

**Analysis of Privacy Act Statutes**

**Introduction**

Anderson (2006) defines policy as “a course of action followed by government in dealing with some problem or matter of concern” and programs related to a policy as “a set of rules, routines, and resources intended to carry out a policy or a portion thereof” (p.261). The Privacy Act serves as the sole policy created specifically to operationalize privacy protection of an individual’s personal information held in agency records.

The purpose or course of action of the Privacy Act as determined by Congress is to “provide certain safeguards for an individual against an invasion of personal privacy” (Section 2 (b)) specific to “…individuals identified in information systems maintained by Federal agencies…” (Section 2(a)(5)). The provision of safeguards (i.e. Privacy Act related policy rules, routines, and resources) to protect against an invasion of personal privacy includes oversight by Congress. “In order to protect the privacy of individuals in information systems maintained by
Federal agencies, it is necessary and proper for Congress to regulate the collection, maintenance, use, and dissemination of information by such agencies” (DOJ, 2004).

To meet the Privacy Act purpose, Congress focused on four basic policy objectives (Department of Justice, 2004b):

1. Restrict disclosure of personally identifiable records maintained by agencies.
2. Grant individuals increased rights of access to agency records maintained on them.
3. Grant individuals the right to seek amendment of agency records that contain their personal information to insure the records are accurate, relevant, timely, and complete.
4. Establish a code of fair information practices that require agencies to comply with statutory norms for collection, maintenance, and disseminations of records.

Congress adopted these policy objectives as the framework for development of Privacy Act statutes. (Department of Justice, 2004b)

The policy objectives, however, create issues for agencies due to a lack of adequate requirements in the Privacy Act, i.e. specific to shared systems of records between agencies, access to personal data held in records, refutation of mistakes for data held in the records, and agency oversight of the records (Department of Justice, 2004a). To address some of these issues created by the policy objectives, Congress amended the Privacy Act by passing CMPPA.

CMPPA adds protections that limit agency sharing of electronically formatted records (5 U.S.C. § 552a(8) (13), (o), (p), (q), (r), (u) (2000)). The provisions became effective December 19, 1989. The provisions include procedural requirements for agencies to follow when engaging in computer-matching activities, such as (Kulick, 1990; Privacilla.org, 2001):

- Negotiate written agreements with other agencies participating in the matching programs;
- Obtain relevant Data Integrity Boards’ approval of matching agreements;
- Furnish detailed reports about matching programs to Congress and OMB;
- Notify applicants and beneficiaries that their records are subject to matching; and
- Verify match findings before reducing, suspending, terminating, or denying an individual’s benefits or payments.

The purpose of CMPPA “is to improve the oversight and procedures governing the disclosures of personal information in ‘computer matching programs’ and to protect the privacy of individuals whose Federal records are used in such matching programs” (Kulick, 1990, p.1).
Congress also included Privacy Act provisions related to management and reporting agency compliance. As part of the Privacy act provisions, Congress appointed OMB as the mandated federal regulating agency and charged OMB with the management of privacy protection activities, the provision of compliance guidance to agencies, and the provision to Congress of agency compliance reports.

Privacy Act statutes require that agencies provide notice to citizens of personal information maintained by agencies in systems of records and that agencies develop procedures that explain how agencies maintain information by posting all Privacy Act systems of records in the Federal Registry (http://www.gpoaccess.gov/fr). In addition, Privacy Act safeguards require agencies, along with OMB to develop procedures for how to respond to individuals’ requests for access to and amendment of agency records and to post these procedures in the Federal Register.

Oversight Provided to Congress

Privacy Act provisions include reporting of agency compliance by agencies, and OMB to Congress as part of the Privacy Act protections. The purpose and scope of Appendix 1 to OMB circular A-130 (2000, p.1) describes “agency responsibilities for implementing the reporting and publication requirements of the Privacy Act of 1974.” Issued by OMB in 2000, OMB Circular A-130 consolidates provisions from federal laws and executive orders related to the management of all federal information resources. The circular is reviewable every three years.

Analysis of oversight provided to Congress. Section 4 of the appendix, Reporting Requirements provides the list below of Privacy Act required reports that include (Appendix 1, OMB circular A-130, 2000):

3. New System of Records Report When establishing a system of records - at least 40 days before operating the system Administrator, OIRA, Congress.
4. Altered System of Records Report When adding a new routine use, exemption, or otherwise significantly altering an existing system of records - at least 40 days before change to system takes place Administrator, OIRA, Congress.
5. New Matching Program Report When establishing a new matching program - at least 40 days before operating the program Administrator, OIRA, Congress.

6. Renewal of Existing Matching Program At least 40 days prior to expiration of any one-year extension of the original program - treat as a new program Administrator, OIRA, Congress.

7. Altered Matching Program When making a significant change to an existing matching program - at least 40 days before operating an altered program Administrator, OIRA, Congress.

8. Matching Agreements At least 40 days prior to the start of a matching program Congress. Implementing Privacy Act reporting and publication requirements applies to all federal agencies, and in part, meets congressional oversight provisions of the Privacy Act.

In addition to required Privacy Act reports as part of congressional oversight, the Federal Information Security Management Act of 2002 (FISMA, 44 U.S.C. § 3541) also requires agencies to submit annual reports from agencies that address security of privacy related agency compliance. OMB issued a memorandum for the heads of departments and agencies that outlines FISMA privacy reporting requirements to meet FISMA and agency privacy management reporting requirements (M-08-09). The memorandum specifies the information for inclusion in the annual FISMA report that includes (M-08-09):

1. By agency, number of each type of privacy review conducted during the last fiscal year.

2. Information about the advice – formal written policies, procedures, guidance, or interpretations of privacy requirements issued by the agency – provided by the Senior Agency Official for Privacy during the last fiscal year.

3. The number of written complaints for each type of privacy issue allegation received by the Senior Agency Official for Privacy during the last fiscal year to include:
   a. Process and procedural issues (consent, collection, and appropriate notice);
   b. Redress issues (non-Privacy Act inquiries seeking resolution of difficulties or concerns about privacy matters); or
   c. Operational issues (inquiries regarding Privacy Act matters not including Privacy Act requests for access and/or corrections).
4. The number of complaints the agency referred to another agency with jurisdiction for each type of privacy issue received by the Senior Agency Official for Privacy for alleged privacy violations during the last fiscal year.

OMB issued an additional memorandum in 2008 (M-08-21) for the heads of departments and agencies that provides instructions on how to meet FISMA and agency privacy management reporting requirements. Together, Appendix 1 of OMB circular A-130 (2000), OMB memorandum M-08-09, and OMB memorandum M-08-21 provide lists and instructions of Privacy Act related required reports agencies must prepare and submit to Congress as part of the Privacy Act oversight process.

**Key findings.**

1. Privacy Act statutes require agencies to develop Privacy Act implementation and progress reports for Congress.
2. Privacy Act statutes require OMB to oversee agency compliance and to report agency compliance levels to Congress.
3. FISMA statutes require agencies to submit annual reports from agencies that address security of privacy related agency compliance.

**Key issues.**

1. Individuals should have access to all Privacy Act and FISMA generated reports.
2. Agencies are required to post Privacy Act and FISMA reports in the Federal Register; however, individuals will find it difficult to locate the reports, which essentially limit access to the reports and the Privacy Act provision of notice for citizens.

**Recommendations.** The analysis of oversight provided to Congress provides an overview of reporting requirements from two federal laws, the Privacy Act, which requires reporting and publishing compliance and FISMA annual reports from agencies that address privacy related security compliance. Overall, reporting provisions for the Privacy Act and FISMA meet Privacy Act provisions for congressional oversight.

Individuals, however, should also have access to the reports generated to meet the provisions of each law. The Privacy Act and FISMA require that agencies publish reports in the Federal Register as the provision of notice to citizens. Reports published in the Federal Register, however, are difficult to locate and in essence restrict access to agency privacy-compliance results. For open-government and improved Privacy Act related citizen-to-agency interaction and
communication, agencies should include the reports in privacy information specific web sites to improve access to privacy related information.

Agency Privacy Act Compliance Related to OMB Guidance

The Privacy Act mandates that OMB manage and provide guidance for agency compliance with Privacy Act provisions; however, OMB is not empowered to coordinate privacy protection activities. OMB provides guidance, but each federal agency is responsible for interpreting and enforcing regulations. Subsection (v) of the Privacy Act requires OMB to: 1) prescribe guidelines and regulations for the use of agencies in implementing the Privacy Act; and 2) provide continuing assistance to and oversight of the implementations of the Privacy Act by agencies. (5 U.S.C § 552(a)(v))

Analysis of Agency Privacy Act Compliance Related to OMB Guidance. Privacy Act statutes require OMB to interpret the statutes and how the statutes affect agency implementation; and, to make certain that OMB and agency developed Privacy Act guidelines and recommendations are published in the Federal Register. OMB, however, has no enforcement power to regulate how agencies implement OMB developed guidelines and requirements. OMB provides mandated guidance to federal agencies, but the Privacy Act does not mandate that OMB enforce coordination of privacy protection activities across agencies.

Privacy Act statutes also mandate that each agency develop Privacy Act related procedures on how to respond to Privacy Act requests. In addition, Privacy Act statutes mandate that OMB provide guidance on how agencies respond to requests. Each agency, however, may implement OMB’s or its own requirements and manage privacy independently of other agencies. This creates a lack of continuity across agencies related to Privacy Act compliance.

In 2003, GAO released a report that addresses the lack of continuity across agencies. The report found that agency “compliance with Privacy Act requirements and OMB guidance is generally high in many areas, but it is uneven across the federal government” (GAO-03-304, 2003, p.2). GAO based its findings on responses to survey questions from 25 agency senior privacy officials. The GAO study focused on Act defined systems of records.

The senior privacy officers included in the 2003 survey acknowledged the uneven compliance levels and identified two primary causes that create the uneven compliance. The causes identified by the senior privacy officers are “implementation issues in a rapidly changing
environment” and “the need for further OMB leadership and guidance” (GAO-03-304, 2003, p.9). The officers also identified specific implementation issues, such as “low agency priority given to implementing the act and insufficient employee training on the act” (GAO-03-304, 2003, p.9). Ultimately, GAO found that “without improved compliance, the government cannot adequately assure the public that all legislated individual privacy rights are being protected” (GAO-03-304, 2003, p.10).

GAO’s recommendations to OMB to improve compliance include “direct agencies to correct compliance deficiencies, monitoring agency compliance, and reassessing OMB guidance” (GAO-03-304, 2003, p.10). Privacy Act provisions, however, do not mandate that OMB follow GAO’s recommendations. In addition, Privacy Act provisions do not mandate that agencies implement OMB guidance.

**Key findings.**
1. OMB is the agency charged with the interpretation of Privacy Act statutes; the effects of the statutes for all federal agencies; and to publish Privacy Act guidelines.
2. Privacy Act statutes mandate that each agency develop procedures to address Privacy Act requests for access to agency records.
3. Each agency may implement OMB or its own requirements and manage privacy independently of other agencies.
4. The 2003 GAO study found uneven compliance with Privacy Act requirements and OMB guidance across the federal government.
5. Senior privacy officers acknowledged uneven compliance based on implementation issues in a rapidly changing environment and a need for further OMB leadership and guidance.

**Key issues.**
1. OMB has no enforcement power to regulate how agencies apply and/or develop recommended guidelines.
2. The Privacy Act does not mandate that OMB enforce coordination of privacy protection activities across agencies.
3. Each agency can interpret Privacy Act related legislation and develop management procedures independently of other agencies.
4. Based on the 2003 GAO study, senior privacy officers acknowledged uneven compliance levels across agencies.

5. Senior privacy officers also cited implementation issues based on the rapidly changing web environment and the need for further OMB leadership and guidance.

6. Senior privacy officers cited low agency priorities and insufficient employee training as implementation issues.

**Recommendations.** Privacy Act statutes mandate that OMB interpret statutes and develop guidelines and requirements for agencies to utilize in the implementation of Privacy Act statutes. Congress, however, should amend Privacy Act statutes to mandate that OMB establish, manage, and implement guidelines and practices to promote electronic access to privacy related information.

Congress should also include statutes as part of the amendment process that requires all agencies to adopt OMB guidelines and practices to promote electronic access to privacy related information and to improve compliance levels across agencies. In addition, Congress should mandate higher agency priorities to improve privacy related compliance across agencies and sufficient employee training to address these priorities.

**CMPPA Protections of Personal Information**

The purpose of the Privacy Act as determined by Congress is to provide safeguards for an individual against an invasion of personal privacy. Provisions of the Privacy Act require agencies to protect individuals against unwarranted invasions of their privacy due to agencies collection of personal information by limiting what agencies collect and by requiring the development of agency guidelines to protect access to and sharing of the information (5 U.S.C. § 552a(b,e)).

Congress amended the Privacy Act of 1974 with CMPPA as a response to the transition of primarily paper-based records to electronic records through the late 1980s. The intent of CMPPA is to provide protections for individuals’ personal information when agencies share systems of records with recipient agencies, such as other agencies, federal contractors, and non-Federal agencies (i.e. state or local governments or agencies).

**Analysis of CMPPA protections of personal information.** There are two primary policy concerns related to CMPPA protections in terms of matching programs. The first concern is that any shared use of personal information with a recipient agency constitutes potential use of
the personal information by the recipient agency for something other than the original intent of collection of the information.

According to Privacy Act provisions “the term ‘routine use’ means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected” (5 U.S.C. § 552a(a)(7)). Use of individuals’ personal information by a recipient agency for any alternate purpose to the routine use of original collection removes Privacy Act protections from the personal information.

The second concern is that CMPPA potentially facilitates the action of sharing personal information for use by the recipient agency in a way not intended when originally collected. If this action occurs, it negates privacy protections of and personal information contained in the shared systems. Congress amended the Privacy Act with CMPPA to address concerns about shared information between agencies; and ironically, in amending the Privacy Act, Congress may have at times diminished privacy protections of personal information contained in matched systems of records.

**Key finding.** The intent of CMPPA is to provide protections for individuals’ personal information when agencies share systems of records with recipient agencies.

**Key issues.**

1. Shared personal information collected for a specific use by a source agency yet used by a recipient agency for something other than originally intended removes privacy protections from the personal information.

2. CMPPA potentially facilitates the action of sharing personal information for use by a recipient agency in a way not intended when originally collected.

**Recommendations.** Congress should revise CMPPA statutes that address when and how agencies share systems of records by adding stringent reporting requirements that describe how recipient agencies must maintain matched system of records. Congress should also require that any alternative use of the information fall under Privacy Act statutes that require informing individuals of the alternative use of their personal data. If agencies cannot do the above, Congress should not allow matched systems of records (i.e. sharing systems of records).
Privacy Act Provisions for Notice

Although notice is not one of the Privacy Act objectives, the Privacy Act contains provisions under agency requirements that require agencies to “publish in the Federal Register upon establishment or revision a notice of the existence and character of the system of records” (5 U.S.C. § 552a(e)(4)). Each agency must also publish in the Federal Register any new or intended use of information contained in records of existing systems of records. In addition, agencies must post in the Federal Register notice of newly created systems of records and intended use of the systems 30 days prior to implementation of the systems to allow individuals to submit “written data, views, or arguments to the agency” (5 U.S.C. § 552a(e)(11)).

The intent of notice is to inform citizens of systems of records that contain personal information and procedures developed by agencies to maintain the systems. According to Privacy Act provisions, posting notice in the Federal Register provides citizens an opportunity to comment on the need to collect the information (i.e. the 30-day advance posting of a system of record in the Federal Register) and informs citizens of the types of privacy information collected and maintained by the agency in the system of records.

Analysis of privacy act provisions for notice. According to the Citizen’s Guide (Committee, 2007, p.34), individuals will have difficulty locating systems of records for agencies through the Federal Register and should instead contact an agency’s privacy or information officer for help in determining if a system of records contains any of the individual’s personal information. According to GAO, “although the Federal Register is the government’s official vehicle for issuing public notices, critics have questioned whether system-of-records notices published in the Federal Register effectively inform the public about government uses of personal information” (GAO-08-536, 2008, p.6).

In 2000, the Accounting and Information Management Division of the GAO released the results of a study that assess the implementation of Privacy Act requirements by agencies through agency web sites. The results of the study include an assessment of notice, choice, access, and security compliance by agencies and found that overall compliance levels were typically low in agencies studied (FTC, 1999; GAO/AIMD-00-296R).

The methodology used in the 2000 GAO assessment of agency web sites was originally developed by the Federal Trade Commission (FTC) to assess the degree to which commercial web sites protect individuals’ personal information based on four FTC identified fair information
principles (FIPs). The FTC study assesses how commercial web sites protect individual’s information privacy based on notice of the information the sites collect, choice given to individuals as to whether they provide personal information or not, access to personal information individuals submit to the sites, and security information related to how the commercial sites state they protect the personal information they collect.

Based on the assessments by GAO of 65 federal agency web sites, the results found that 69% of the studied agencies met criteria for notice, 45% for choice, 17% for access, and 23% for security. Only 3% of the agency sites implemented elements of all four FIPs. Looking at the results of agency compliance in another way, results show that 31% of studied agencies did not meet the criteria for notice, 65% for choice, 83% for access, and 67% for security; and overall, 97% of agencies studied were not Privacy Act compliant for all four FIPs.

Based on results of the 2000 GAO study, GAO concluded that overall compliance levels were typically low in agencies studied. The results also indicate that OMB and agency requirements developed to implement Privacy Act provisions are not very effective.

In its 2003 study, GAO also addressed how agencies provide notice in terms of systems of records. The GAO identified agency systems of records that contained personal information that agencies did not designate as Privacy Act systems of records. Based on the survey responses, the study found (GAO-03-304, 2003, p.10):

1. Agencies maintained personal information that was not subject to the Privacy Act’s protections in an estimated 11 percent of 730 major information systems in use during fiscal year 2002.

2. Agencies reported that this occurred in various circumstances, the most frequent being when information was not retrieved by use of identifying information (i.e. name, social security number, or other personal identifiers), but rather by other, non-identifying information (e.g., name of a company, organizations, or event).

Based on the above, GAO found that “our study results are relevant to one aspect of this issue, as they provide an indication of the extent to which agencies maintain personal information not subject to the act’s protections” (GAO-03-304, 2003, p.10).

GAO researchers also raised concerns regarding the scope of the Privacy Act, whose coverage is limited to personal information retrieved by a personal identifier. GAO researchers
felt the scope is too narrow and allows agencies to maintain personal information in systems of records not identified by agencies as Privacy Act systems of records. OMB administrators dispute the findings and feel the survey focused on less important aspects of Privacy Act provisions.

**Key findings.**
1. According to the Citizen’s Guide (Committee, 2007, p.34), individuals will have difficulty locating systems of records for agencies through the *Federal Register*.
2. The 2000 GAO study found that critics have questioned whether system-of-records notices published in the *Federal Register* effectively inform the public about government uses of personal information.
3. The 2000 GAO study found that 69% of the studied agencies met criteria for notice.
4. The 2000 GAO study found that 17% of the studied agencies met criteria for access.
5. The 2003 GAO study identified agency systems of records that contained personal information that agencies did not designate as Privacy Act systems of records.
6. Agencies reported that systems are not identified as Privacy Act systems of records primarily when agencies do not use personal identifiers (i.e. name and/or social security number) to retrieve the records.

**Key issues.**
1. Posting systems of records in the *Federal Register* may not effectively inform the public about government uses of personal information.
2. In its 2000 study, the GAO found that 31% of studied agencies did not meet the criteria for notice.
3. In its 2000 study, the GAO found that 83% of studied agencies did not meet the criteria for access.
4. Agencies do not identify all systems of records that contain personal information as Privacy Act defined systems of records.
5. Agencies do not always identify systems of records as Privacy Act systems of records if the agency does not retrieve records using personal identifiers (i.e. name and/or social security number).

**Recommendations.** The *Federal Register* is the official depository of government information and provides essential archival activities; however, as an archival depository,
Congress should not expect individuals to retrieve government information with any degree of success from this site. Instead, Congress should amend the Privacy Act to require that each agency develop a privacy web site where individuals can obtain notice of each agency’s systems of records and other privacy related information. In addition, OMB should develop requirements for the content of the sites for interoperability and standardization of privacy web sites across agencies and reporting requirements of agency privacy web site compliance.

Based on results of the 2000 study, GAO concluded that overall compliance levels for notice, choice, access, and security were typically low in agencies studied. The results also indicate that OMB and agency requirements developed to implement Privacy Act provisions are not very effective.

Although the FTC did not develop the study based on Privacy Act provisions for compliance, the 2000 GAO study’s inclusion of notice and access does provide indicators that agency Privacy Act compliance for notice and access is low across agencies. The GAO study results indicate that Congress, OMB, and agency heads should better implement existing requirements and/or review and amend existing requirements developed to insure agency Privacy Act compliance.

In its 2003 study, GAO also addressed how agencies provide notice in terms of systems of records. The GAO identified agency systems of records that contain personal information that agencies did not designate as Privacy Act systems of records. To address this issue, Congress should revise the Privacy Act definition of a system of records. The Privacy Act definition of a system of record should include any system of records, electronic or in any other format that includes records that contain or pertain to an individual’s personal information. In addition, Congress should mandate that every agency post all systems of records in a designated privacy information area of the agency’s web site for review by individuals.

The 2003 GAO study results indicate that each system of records should include mandated, complete descriptions that will adequately inform individuals of the types of personal information collected, how agencies maintain the information, and lists of any CMPPA identified recipient agencies. In addition, Congress should mandate that OMB and GAO regulate agency posting of all systems of records in web sites and the descriptions agencies provide of the systems of records.
Chapter Summary

Chapter 4 provides an analysis of the Privacy Act in terms of a broader information policy environment. The policy analysis assesses how federal laws affect individual’s access to government information in general. The policy analysis also assesses selected provisions of the Privacy Act to identify issues related to agency compliance in protecting individual’s personal information.

As presented in the Access to Agency Records section, the Privacy Act provides individuals rights of access to records that contain their personal information and amendment of the records if the records contain incorrect information. FOIA also allows individuals a right of access to records that contain their own personal information; however, exemption six of FOIA protects third parties’ personal information contained in agency records. The Privacy Act, however, does not contain any statutory exemptions that prohibit the disclosure of records that contain a third party’s personal information. Privacy Act statutes do not provide protections for a third party’s personal information contained in agency records.

The Electronic Access to Agency Records section presents changes to the information policy environment since passage of FOIA in 1967. The E-Government Act, along with statutory provisions of PRA, E-FOIA, Clinger-Cohen Act, and GPEA create an electronic, information-access policy environment. With the exception of the CMPPA amendments in 1988 to improve oversight and disclosure procedures related to computer matching programs, Privacy Act statutes have remained relatively unchanged.

The analysis of Oversight Provided to Congress section provides an overview of reporting requirements of the Privacy Act and FISMA. Overall, Privacy Act and FISMA reporting requirements meet Privacy Act mandated oversight by Congress. The Privacy Act and FISMA require that agencies publish reports in the Federal Register as the provision of notice to citizens. Reports published in the Federal Register are difficult to locate and in essence restrict access to privacy related information.

The analysis of Agency Privacy Act Compliance Related to OMB Guidance section primarily relies on a GAO study of agency compliance due to GAO’s access to agency senior privacy officers for the surveys. Based on the results of the study, GAO researchers raised concerns regarding the scope of the Privacy Act, whose coverage is limited to personal information retrieved by a personal identifier. GAO’s
recommendations to OMB to improve compliance include “direct agencies to correct compliance deficiencies, monitoring agency compliance, and reassessing OMB guidance” (GAO-03-304, 2003, p.10).

The analysis of the CMPPA Personal Information Protection section identified two essential issues. The first issue is that any shared use of personal information with a recipient agency constitutes potential misuse of the personal information by the recipient agency for something other than the original intent of the collection of the information. The second concern is that the CMPPA amendment potentially facilitates the action of sharing personal information for use by the recipient agency in a way not intended when originally collected. Congress passed CMPPA to provide additional privacy protections for individuals related to shared agency systems of records; however, CMPPA, in some instances may actually diminish privacy protections.

The analysis of Privacy Act Provisions of Notice section includes the results of a 2000 GAO study of agency compliance in terms of notice, choice, access, and amendment. Based on results of the 2000 study, GAO concluded that overall compliance levels for notice, choice, access, and security were typically low in agencies studied. The results also indicate that OMB and agency requirements developed to implement Privacy Act provisions are not very effective. In its 2003 study, GAO also addressed how agencies provide notice in terms of systems of records. The GAO identified agency systems of records not designated as Privacy Act systems of records that contain personal information.

This chapter provides a policy analysis of the Privacy Act as part of a broader, federal information policy environment that includes analysis of how selected Privacy Act statutes apply in this broader environment. The policy analysis includes key findings, key issues, and recommendations that are specific to each section presented in the chapter. This chapter summary also provides an overview of issues by broader areas of application that include:

1. The Privacy Act remains virtually unchanged since 1988. Statutes of laws such as PRA, the Clinger-Cohen Act, E-FOIA, GPEA, and the E-Government Act have created an electronic, information-access policy environment referred to as E-Government where individuals increasingly interact with government agencies for access to government services and resources through federal web sites. The Privacy Act, however, does not promote individuals’ interaction for privacy related information through agency web
sites. Privacy Act issues related to individuals’ interaction with agencies in the E-Government information-access policy environment include:

a. Privacy Act statutes promote paper-based access for individuals to privacy related information.
b. Privacy Act statutes do not promote electronic access to agency records.
c. Privacy Act statutes do not require that agencies establish and implement management practices for electronic access to Privacy Act related information resources through agency web sites.
d. Privacy Act statutes do not promote the interoperable and standardized presentation of Privacy Act mandated protections and information across agencies of the federal government.
e. Privacy Act statutes do not include or promote a broad framework of measures that require using Internet-based information technology to enhance individuals’ access to privacy related government information and services.

2. There are no mandated Privacy Act statutes that require clearly identified and dedicated web space across departments and agencies for posting all Privacy Act related reports and documents. OMB and agencies are required to post Privacy Act and FISMA reports in the Federal Register. In addition, Privacy Act statutes require OMB and agencies to post other Privacy Act related documents in the Federal Register that include:

- OMB guidelines developed for agencies to guide agencies in how the agencies maintain individual’s personal information;
- Agency systems of records notices for systems with records that contain individual’s personal information; and
- Agency developed guidelines on how agencies respond to Privacy Act requests for access to agency records in the Federal Register.

Privacy Act statutes require posting privacy related information in the Federal Register as the means of providing notice to individuals of how agencies maintain personal information in agency records. Individuals, however, will find it difficult to locate Privacy Act related documents in the Federal Register, which essentially limits the Privacy Act’s provision of notice to individuals. Posting Privacy Act related documents
and reports in the *Federal Register* might not effectively inform individuals about how agencies maintain personal information contained in agency records.

3. Privacy Act statutes do not adequately provide protections of individuals’ personal information as intended by Congress. Issues related to inadequate protections include:
   a. Exemption six of E-FOIA provides protection for third party personal information contained in agency records. The Privacy Act does not include any statutes that protect third parties’ personal information contained in agency records.
   b. OMB has limited enforcement power to regulate how agencies apply and/or develop guidelines on how agencies respond to individuals’ requests for access to agency records. Each agency can independently develop guidelines on how the agency responds to individuals’ requests for access to records.
   c. The Privacy Act does not mandate that OMB enforce implementation and coordination of privacy protection activities across agencies. Based on the 2003 GAO study, senior privacy officers acknowledge uneven compliance levels across agencies and cited implementation issues based on the rapidly changing web environment and the need for further OMB leadership and guidance. In addition, senior privacy officers cited low agency priorities and insufficient employee training as implementation issues.
   d. CMPPA potentially facilitates the action of sharing personal information for use by the recipient agency in a way not intended when the source agency collected the original information. Shared personal information collected for a specific use by a source agency yet used by a recipient agency for something other than the original intent of collection of the information removes privacy protections from the personal information.
   e. Agencies do not identify all systems of records that contain personal information as Privacy Act defined systems of records based on the Privacy Act systems of records definition. The Privacy Act defines a system of records as one where the system retrieves records by a personal identifier (i.e. name and/or social security number). GAO studies have found that all systems of records contain some personal information. Agencies, however, do not identify all systems of records as Privacy Act systems of records based on the Privacy Act system of record definition.
Additional discussion of the identified issues above and their implications for the Privacy Act request process occurs in chapter 7, *Assessment of Study Findings, Approach, Methodology, Recommendations, and Future Research.*

Chapter 5 provides an analysis of usability study results collected from agency web site, USA.gov, and Google.com searches where the intent of all three searches is to locate and assess guidance procedures located in agency web sites. As part of the analysis of usability data-collection results, chapter 5 identifies issues related to access for individuals to Privacy Act records through agency web sites. In addition, the chapter summary provides an overview of key findings, key issues, and recommendations to address the key issues.
CHAPTER FIVE
ANALYSIS OF USABILITY STUDY DATA COLLECTION RESULTS

Introduction

Chapter 4, the Information Privacy Policy Analysis provides results, which address the study’s initial research question, i.e. how do issues, such as provisions of other federal laws, and exemptions of the laws affect how agencies provide access for individuals to agency records? Chapter 5 provides an analysis of usability study results collected from agency web site, USA.gov, and Google.com searches where the intent of all three searches is to locate and assess guidance procedures located in agency web sites.

The three search approaches used in this study provide data from the same 64 sample sites. Guidance procedures sought in this research provide information about the Privacy Act (type 1), information on how agencies respond to Privacy Act requests for access (type 2), and information specific to how individuals request access (type 3). Type 3 procedures are of particular interest in that they present agency specific requirements on how individuals submit requests to access agency records. For a more detailed discussion of guidance procedure types, see chapter three, the Purpose and Benefits of Guidance Procedures.

As mentioned above, the policy analysis (see chapter 4) addresses the initial research question of this study and provides insights for the remaining study questions (below). The analyzed results of agency web site, USA.gov, and Google.com searches directly address the remaining three study research questions presented below, that include:

1. How do agencies provide individuals access to agency records in terms of Privacy Act statutory provisions for access?
2. How effective, efficient, and useful are guidance procedures as access points for individuals to records through federal web sites?
3. How can agencies improve access for individuals through federal web sites to records maintained by agencies in terms of the Privacy Act?

These research questions guide the analysis of the study’s data collection efforts.

As part of the analysis of usability results, this chapter identifies issues related to access for individuals to Privacy Act records through agency web sites. In addition, the chapter
summary provides an overview of key findings, key issues, and recommendations to address the key issues.

**Data Collection Results**

The usability study collects metrics related to locating guidance procedures; the Web-content review identifies the type of guidance procedures located (see chapter 6); and the Privacy Act request review process assesses the extent located type 3 procedures provide minimum requirements necessary for an individual to potentially submit a request (see chapter 6). In addition, the Privacy Act request process includes results from submitted Privacy Act requests to ten of the study’s sample sites.

Appendices A-D detail usability results from the three searches conducted to assess the usability of the Privacy Act access process for individuals to agency records. The searches occurred through agency web sites, the USA.gov search interface, and the Google.com search interface. Appendix A provides the results of agency web sites searches related to type 1-3 guidance procedures. Appendix B (USA.gov searches) and appendix C (Google.com searches) only provide data related to type 3 procedures. No type 1 or type 2 procedures were included in USA.gov or Google.com searches as the primary focus of this study is on type 3 procedures that provide requirements individuals must meet to submit agency records.

The researcher identified type 1 and 2 procedures located by agency web site searches to obtain a sense of all types of procedures available through department and agency web sites. All three searches, however, provide comparable data for the assessment of type 3 guidance procedures located in sample sites that inform individuals on how to submit Privacy Act requests.

Appendix D provides the results of the ten submitted Privacy Act requests and aggregated type 3 requirements. Although this study does not include a content analysis, while assessing the potential for submission of located type 3 procedures from agency search results (appendix A), the researcher identified and collected requirements from identified type 3 guidance procedures (see appendix D). The researcher refers to these requirements for this study as descriptive submission elements (i.e. types of information) that inform individuals of required types of information to include in a Privacy Act request submission. The types of information are
aggregated and presented by categories and do not represent any single department or agency’s requirements for submission.

In addition to aggregated descriptive elements collected from agency web site searches, the researcher collected descriptive elements from four non-agency sources of type 3 procedures located through agency web site searches, i.e. links were located in the sample search sites to the non-agency sources. These non-agency web site data collection results are also available in appendix D. The four non-agency sources selected for inclusion in this study include:

- Text of the Privacy Act;
- Department of Justice provided *Overview of the Privacy Act of 1974* (2004c);
- *Your Right to Federal Records*; and

The collected types of information provide insights of characteristics and nuances related to department and agency requirements and suggestions for individuals seeking to make Privacy Act requests. This chapter presents the types of information collected from the four non-agency sources by non-agency source.

**Study Goal and Data Collection Methods**

The goal of conducting searches for agency provided guidance procedures is to understand the degree to which federal agency web sites provide information to individuals on how to make Privacy Act requests. Guidance procedures include information about the Privacy Act (type 1), how agencies respond to requests for access to Privacy Act records (type 2), and how to submit request for the records (type 3).

No located prior research assesses the extent agencies provide access through web sites, the types of procedures offered that provide information related to access to agency records, or the degree to which an individual can use located procedures to submit a Privacy Act request. To assess access to agency records through web sites, this study employs an exploratory, iterative, multi-method approach that includes:

- Usability study – provides measures related to the usability of web sites in terms of effectiveness, efficiency, and usefulness/satisfaction with the search process;
- Web-content review – provides measures of types of guidance procedures located;
• Privacy Act request assessment – provides an assessment of the degree to which individuals can submit Privacy Act requests based on information available through guidance procedures that inform individuals on how to submit requests; and
• Privacy Act request submissions – provides detailed results of Privacy Act request submissions to selected agencies to determine how the selected agencies respond to individuals’ request for access to records.

Results of these data collection efforts provide measures to assess the success with which agencies included in the study provide access to Privacy Act records.

Data Collection Strategy

All three data collection efforts, i.e. agency web site, USA.gov, and Google.com utilize an iterative, multi-method approach to explore the study’s 64 sample agency web sites. The multi-method approach includes a usability study to collect metrics relative to locating type 3 procedures in the sample sites, a Web-content review to assess located procedures, a Privacy Act request assessment to determine whether located procedures contain minimal information for submission, and a Privacy Act request submission assessment of how agencies respond to Privacy Act requests.

The researcher for this study conducted all searches through agency web sites, USA.gov, and Google.com. Search phrases, however, for USA.gov and Google.com include the department or agency name as part of the search as searches do not begin in specific agency sites (i.e. the agency web site searches all begin at the home page of the sample site). As presented in the methodology chapter (see chapter 3), all searches follow a structured protocol to help insure reliability and validity of search results. The researcher also trained four coders who conducted agency web site searches through four randomly selected (i.e. by drawing) sites from the study’s sample site. The coders collected data for the usability and Web-content review methods.

In addition, the researcher recorded all searches to capture data collection efforts and to verify data collection results. Recorded searches improve the accuracy and precision of data collection efforts, which also improves reliability and validity for the study. As web interfaces are dynamic in nature and may change over time, recorded searches capture web interfaces as the researcher views them. The recorded searches also insure the researcher followed the study’s search protocol for each search as the recordings capture mouse movements through each page.
The protocol for all searches used the same search phrases for comparative purposes. Search phrases for the study are *Privacy Act requests*, *Privacy Act*, and *access to agency records*. Discussion on development and use of the search protocol and selection of search phrases occurs in the methodology chapter of this study (see chapter three).

Although searches that use alternative search phrases or terms and follow different search protocols could provide additional results for analysis, the search protocol and the search terms used in this study were developed specifically to locate Privacy Act request related guidance procedures and to increase reliability and validity of the study.

**Analysis of Usability Study Results**

The usability study provides results related to the process of locating guidance procedures in study sample sites. Usability measures provide an assessment of the effectiveness, efficiency, and usefulness of the search process. The study’s sole researcher collects usability measures of effectiveness and efficiency from searches conducted through agency web sites, the USA.gov search interface, and the Google.com search interface.

Figure 3.7 (see chapter 3) presents goals and measures used to indicate quality levels for usability metrics in terms of effectiveness, efficiency, and satisfaction. Effectiveness and efficiency usability goals and measures used in this study originate from *Usability.gov: Your guide for developing usable and useful web sites* (Usability.gov, 2007).

Satisfaction metrics used in this study originate from *Designing Web Usability* (Nielsen, 2000). The study researcher collected usefulness measures based on agency web site searches. The usefulness measures provide indicators of the quality of the researcher’s search experience and provide aggregated metrics of the researcher’s observations while conducting the searches. Figure 3.7 (see chapter 3) presents an overview of the study’s usefulness goals and measures.

**Usability Study’s Count Metrics**

Table 5.1 below presents count metric results of the usability study by total counts for each metric per total number of located type 3 procedures where type 3 procedures provide information for individuals on how to submit a Privacy Act request. The total number of sites directly associated with the total count metrics appear in parentheses below each count/procedure. Presented results are indicators of effectiveness and efficiency. To compare
results of the different data collection approaches, results present the count metrics as ratios of the average number of count metrics per single procedure.

Total steps to locate desired procedures (column 1 of table 5.1 below) are usability effectiveness measures that provide counts of total page views needed to locate procedures. The fewer steps required to locate desired information indicates a more effective search process. The number of unique pages viewed (column 2) is a usability efficiency measure. The fewer unique pages viewed during a search for information indicates a higher degree of efficiency in locating a desired page.

Table 5.1. Usability study count metrics.

<table>
<thead>
<tr>
<th>Agency Web Site Search</th>
<th>Total Steps to Locate All Procedures/Total # Procedures</th>
<th>Total Unique Pages/Total Procedures</th>
<th>Total Unproductive Navigation Choices/Total # Procedures</th>
<th>Total Unproductive Search Choices/Total # Procedures</th>
<th>Total Number of Errors/Total # Procedures</th>
<th>Total Number Error recovery Steps/Total # Procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>USA.gov Search</td>
<td>237/87 (40)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>USA.gov Search</td>
<td>231/87 (40)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>USA.gov Search</td>
<td>1/1 (1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>USA.gov Search</td>
<td>20/14 (14)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>USA.gov Search</td>
<td>3/2 (2)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>USA.gov Search</td>
<td>3/2 (2)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>USA.gov Search</td>
<td>2.7/1 (40)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>USA.gov Search</td>
<td>2.7/1 (40)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>USA.gov Search</td>
<td>1.0/1 (1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>USA.gov Search</td>
<td>1.4/1 (14)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>USA.gov Search</td>
<td>1.5/1 (2)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>USA.gov Search</td>
<td>1.5/1 (2)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Google.com Search      | 80/47 (21) |
| Google.com Search      | 73/47 (21) |
| Google.com Search      | 0          |
| Google.com Search      | 0          |
| Google.com Search      | 0          |
| Google.com Search      | 0          |
| Google.com Search      | 1.7/1 (21) |
| Google.com Search      | 1.6/1 (21) |
| Google.com Search      | 1.4/1 (27) |
| Google.com Search      | 1.4/1 (27) |

Table 5.1. Usability study count metrics.
Analysis of usability study’s count metrics results. In column 1 of table 5.1 above, the ratio of number of steps needed to locate procedures per single procedure for all three of the search approaches are less than three steps per procedure, which indicates effective searches. For column 2, the number of unique pages viewed per procedure for all three search approaches are less than three per procedure, which indicates efficient searches. For each search approach, the ratio of steps to locate procedures per single procedure is nearly identical to the ratio of unique pages located per single procedure, i.e. comparisons of ratios in columns 1 and 2.

Based on the ratios of the usability count metrics in columns 1 and 2 of table 5.1 above, Google.com and USA.gov searches are more effective (column 1) and efficient (column 2) than agency web site searches. For total steps to locate all procedures (i.e. total pages viewed) per total number of located procedures (column one), Google.com has a ratio of 1.4/1, USA.gov has a ratio of 1.7/1, and agency web site searches has a ratio of 2.7/1. Google.com searches require 48% fewer steps to locate a procedure than agency web site searches and USA.gov searches require 37% fewer steps to locate a procedure than agency web sites.

For total unique pages per total number of located procedures (column two), Google.com has a ratio of 1.4/1, USA.gov has a ratio of 1.6/1, and agency web site searches has a ratio of 2.7/1. Google.com searches identify 48% fewer unique pages per located procedure than agency web site searches and USA.gov searches identify 41% fewer unique pages per located procedure than agency web site searches.

Columns 3-6 contain the results of additional usability effectiveness measures that determine the accuracy of searches. The measures include unproductive navigation choices, unproductive searches, number of errors, and number of error recoveries. Searches of the 64 sample sites through USA.gov and Google.com did not produce any counts for these metrics. A reason for this is the nature of these searches. USA.gov and Google.com sites are search engines that identify direct links to specific pages in sample sites.

Key findings. Google.com searches require 48% fewer steps to locate a procedure than agency web site searches and USA.gov searches require 37% fewer steps to locate a procedure than agency web sites. In addition, Google.com searches identify 48% fewer unique pages per located procedure than agency web site searches and USA.gov searches identify 41% fewer unique pages per located procedure than agency web site searches.
Key issues.
1. Google.com searches require 48% fewer steps to locate a procedure than agency web site searches and USA.gov searches require 37% fewer steps to locate a procedure than agency web sites. Google.com and USA.gov searches are more effective than agency web site searches.
2. Google.com searches identify 48% fewer unique pages per located procedure than agency web site searches and USA.gov searches identify 41% fewer unique pages per located procedure than agency web site searches. Google.com and USA.gov searches are more effective than searches through agency web sites.

Recommendations. To address the issues above, each agency should provide dedicated space in their sites to aggregate privacy related information and reduce the number of page views, unique page views, unproductive navigation and search choices, and page errors users’ encounter to locate the information. In addition, each agency should provide a link to the dedicated space from the agency’s home page to improve users’ access to the information.

Analysis of the Usability Study’s Time Metrics

Usability time metrics provide additional measures of efficiency for locating desired procedures where time metrics measure actual time to locate procedures. The lower the time required, the more efficient the search. Table 5.2 below provides the results of time measures for agency web site, USA.gov, and Google.com searches by average time to first located procedure (column 2) and average time to any additional located procedures (column 3) in sites that contain procedures.

As noted for the usability count metrics, agency web site searches begin at the home page of each sample department and agency. As such, average time to locate the first type 3 procedures for sites that contain the procedures naturally take longer than USA.gov and Google.com searches which identify direct links to specific pages in sites.

Analysis of usability study’s time metric results. Column 1 in table 5.2 below provides total type 3 procedures located per total number of sites with type 3 procedures. As shown in column 2, agency web site searches averaged three minutes and ten seconds to locate the first procedures in the 40 sites with procedures and 58 seconds to locate all additional type 3 procedures.
Table 5.2. Usability study time metrics.

<table>
<thead>
<tr>
<th>Time Metrics by Department and Agency</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td><em><em>Total 3E-</em> and 3F-</em> Procedures Located/Sites with type 3 Procedures**</td>
<td></td>
<td><strong>Average Time to Locate 1st Procedure (Min:Sec)</strong></td>
<td><strong>Average Time to Locate Other Procedures (Min:Sec)</strong></td>
</tr>
<tr>
<td>Agency Web Site Search</td>
<td>87/40</td>
<td>3:10</td>
<td>0:58</td>
</tr>
<tr>
<td>USA.gov Search</td>
<td>47/21</td>
<td>1:07</td>
<td>0.14</td>
</tr>
<tr>
<td>Google.com Search</td>
<td>58/27</td>
<td>0:38</td>
<td>0:23</td>
</tr>
</tbody>
</table>

Agency web site searches took 118% more time (3:10) to locate the first procedure than USA.gov (1:07) and 314% more time per additional located procedure (58 seconds) than USA.gov (14 seconds). Agency web site searches took 400% more time (3:10) to locate the first procedure than Google.com (38 seconds) and 152% more time per additional located procedure (58 seconds) than Google.com (23 seconds).

**Key findings.** As seen in columns 2 and 3, Google.com searches are the most efficient searches by time measures followed by USA.gov; however, as also noted in the discussion of usability count metrics above, agency web site searches located a higher number of type 3 procedures in a higher number of sample sites. Agency web sites are less efficient by usability time metrics for average search time but more effective at locating more type 3 procedures in more sample sites.

**Key issue.** Agency web site searches are the least efficient of the three searches based on the average times to locate procedures.

**Recommendations.** As with the count metrics presented in this chapter, agencies should provide dedicated web space in their web sites for the presentation of privacy related resources. At present, privacy related resources appear in several areas of agency web sites where privacy resources provide information about and links to information about the Privacy Act, information on how agencies respond to Privacy Act requests, and information for individuals on how to submit Privacy Act requests.
Privacy resources also include information currently posted to the Federal Register, such as posted agency systems of records notices and matching systems of records. Presenting agency provided privacy resources in a dedicated privacy web space of agency web sites would reduce search time by users to locate the information and improve the timed efficiency of searches.

**Usability Study’s Procedure Page Location Metric**

Procedure page location provides information related to where type 3 guidance procedures are located (i.e. at the top, middle, or bottom of web pages), or presented on a web page or in a located document (i.e. Word or PDF). For this study, procedures counted at the top of pages must have a portion of the procedure, or a procedure related header visible in the web window that indicates a type 3 procedure is available further down the page.

All identified middle and bottom page locations appear below the web content window or in the middle or bottom of documents. Individuals cannot view type 3 procedures located in the middle or bottom of pages. In addition, pages that include type 3 procedures located in the middle or bottom of pages do not typically provide visible, procedure related headers that indicate a procedure is located in the document below the visible window.

Page locations provide usability effectiveness indicators of how agencies present guidance procedures in web pages, i.e. the procedure page locations affect users’ ability to locate a desired or needed procedure. For example, the page location metrics used for this study are counts of top, middle, and bottom procedure locations. Procedures located at the top of pages are visible in the web window or web document and are clearly identifiable as type 3 procedures when viewed. Pages that contain type 3 procedures but have no indicators (i.e. headers or descriptions) that type 3 procedures are available below the visible window are designated as either middle or bottom locations.

**Analysis of usability study’s procedure location-page results.** Table 5.3 below provides page location counts by top, middle, and bottom of the page. Column 1 provides the total numbers of procedures located per number of sites that contain procedures for each of the three searches, column 2 provides actual counts by location for all located procedures, and column 3 provides location by percentages.
Table 5.3. Guidance procedure page locations

<table>
<thead>
<tr>
<th>Guidance Procedure Page Locations</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Type 3 Procedures Located/Number of Sites With Procedures</td>
<td>Procedure Locations by Top, Middle, and Bottom of Page</td>
<td>Percentage Procedure Locations by Top, Middle, and Bottom of Page</td>
</tr>
<tr>
<td>Agency Web Site Search</td>
<td>87/40</td>
<td>57T, 22M, 8B</td>
<td>66%T, 25%M, 9%B</td>
</tr>
<tr>
<td>USA.gov Search</td>
<td>47/21</td>
<td>36T, 2M, 9B</td>
<td>76%T, 4%M, 20%B</td>
</tr>
<tr>
<td>Google.com Search</td>
<td>58/27</td>
<td>52T, 0M, 6B</td>
<td>90%T, 0%M, 10%B</td>
</tr>
</tbody>
</table>

**Key findings.** As viewed in column 3 of table 5.3 above, type 3 procedures located through Google.com searches have the highest percentage (90%) of procedures located at the top of pages followed by USA.gov with 76% at the top and agency web site searches with 66% at the top. For procedure page location, the Google.com search located the highest percentage of effectively presented type 3 procedures.

**Key issues.**

1. Type 3 procedures located in the middle or bottom of web page windows or web documents are counterintuitive to search result content, i.e. the content of a search result header or body of information that indicate the procedures are present on a page.
2. Type 3 procedures located in the middle or bottom of web page windows or web documents increase the difficulty level for individuals to locate needed information.

**Recommendations.** To address issues related to page location, agencies have a number of choices to improve access to information on their web pages. Agencies should:

1. Reduce the amount of information available on a single web page to limit the need for scrolling to locate content not visible in the web page window;
2. Dedicate web page content to a single subject, such as a FOIA page or a page that only contains privacy related information; and

In addition, for pages that must contain multiple types of content, agencies should insure that clear, recognizable headers and/or tables of content are visible at the top of web pages and that subject headings in the table of content are live links to content on the page, particularly if that content is not visible to users.
Usability Study’s Usefulness Metrics

Usefulness metric results (See table 5.4 below) are subjective and based solely on the researcher’s experience in conducting agency web site searches. The researcher did not assess the USA.gov or Google.com searches as these search approaches do not begin at sample sites’ home pages. Usefulness results are unique to a user’s experience and results presented below are not generalizable to other potential participant results. Instead, the results serve as observations made by the researcher while conducting searches through each site.

Table 5.4. Measures that indicate quality of experience in terms of level of agreement with each statement.

<table>
<thead>
<tr>
<th>Usefulness Metrics</th>
<th>Strongly disagree</th>
<th>Disagree</th>
<th>Undecided</th>
<th>Agree</th>
<th>Strongly agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Navigation through the site was intuitive.</td>
<td>6%</td>
<td></td>
<td></td>
<td>94%</td>
<td></td>
</tr>
<tr>
<td>b. Search features were easy to locate.</td>
<td>5%</td>
<td></td>
<td>93%</td>
<td>2%</td>
<td></td>
</tr>
<tr>
<td>c. The hierarchical order of documents found in results list of searches was relevant to a user’s search phrases.</td>
<td>33%</td>
<td>33%</td>
<td>20%</td>
<td>14%</td>
<td></td>
</tr>
<tr>
<td>d. Links to guidance procedures on web site pages were easy to locate</td>
<td>31%</td>
<td>5%</td>
<td>3%</td>
<td>53%</td>
<td>8%</td>
</tr>
<tr>
<td>e. It was easy to navigate back to the agency home page</td>
<td>14%</td>
<td>23%</td>
<td></td>
<td>58%</td>
<td>5%</td>
</tr>
</tbody>
</table>

Nielsens’ *Designing Web Usability* (2000) provided the usefulness metrics selected for this study. The usability method section of chapter three provides an overview of how the metrics were selected and specific citations for each metric used in this study. The usability study’s usefulness metrics provide measures of the quality of search experience where subjective results provide counts of levels of agreement by the researcher with selected statements.

The usefulness aspect of this study utilizes a standard five-point Likert scale with a range of numbered items for selection by the researcher to collect measures of levels of agreement.
across the study’s 64 sample sites. The Likert scale range of items for this study includes: 
*Strongly Disagree, Disagree, Undecided, Agree and Strongly Agree.*

The usefulness assessment followed the completion of the usability and web-content assessments. The researcher conducted searches through each sample site and collected usability count and time metric data. The researcher then collected the web-content review data. Once the researcher collected usability and web-content review data for a sample site, the researcher assessed the quality of the overall search process for that site utilizing the usefulness metrics (statements). Analysis of the results includes discussions of how the researcher selected Likert scale items.

**Analysis of the usability study’s usefulness metrics.** Results appear below by metric (i.e. as statements a-e) and the discussion of each metric includes an explanation when needed of how the researcher selected Likert scale responses (i.e. from *Strongly Disagree* to *Strongly Agree*).

a. **Navigation through the site was intuitive:**

   Navigation through sites was intuitive for 94% of the sampled sites where intuitive indicates a logical sequence of navigation events to locate desired results. The 6% of sites that were not intuitive lacked standard navigation features such as a link back to the site’s home page for every page, breadcrumbs, or any kind of link associated with the department/agency logo/name that would take a user back to the site’s home page.

   **Key Finding**

   Navigation through sites was intuitive for 94% of the sampled sites (i.e. agree).

   **Key Issue**

   The 6% of sites for which navigation through the site was not intuitive lacked standard navigation features to take a user back to the site’s home page (i.e. strongly disagree).

   **Recommendation**

   Agencies should conduct usability assessments of their web sites to insure that individuals can navigate throughout the web sites to locate needed information.

b. **Search features were easy to locate and use:**

   Search features were easy to locate for 95% of sampled sites, i.e. columns 4 and 5, *Agree* and *Strongly Agree* combined. The 5% of sites where search features were not easy to locate include sites with no evident search features of any kind or sites where the search feature is a list
of subject headings and the subject heading pages offer no or limited additional search features for topics not included in the original subject lists.

**Key Finding**

Search features were easy to locate for 95% (i.e. agree and strongly agree) of sampled sites (i.e. agree).

**Key Issue**

The 5% of sites where search features were not easy to locate lacked search features or utilized insufficient subject headings as the search features (i.e. strongly disagree).

**Recommendation**

All agency web sites should contain easy to locate search features on every web page of the site. Agencies should place search features near the top of pages in clearly visible locations such as at the top of the left or right navigation toolbars or at either end of the top of page navigation tabs or toolbars. For agencies without a search feature or agencies that use subject headings as the navigation feature, the agencies should add a standard search feature to improve user’s access to agency information through the agency web site.

c. **The hierarchical order of documents found in results list of searches was relevant to a user’s search phrase:**

   The hierarchical order of documents found in the results list of searches was relevant to the search phrase for 34% of sampled sites (i.e. 20% for Agree and 14% for Strongly Agree). Relevancy of search results to the search phrase refers to location, or inclusion of the search phrase in a search hit list and position of hits in the hierarchal order of all returned hits. The structured search protocol for this study just includes the top 20 hits located in a hierarchal order based on searches for specific search phrases.

   For example, the researcher selected Strongly Agree when a search for Privacy Act requests resulted in hits at the top of the hierarchal order with the search phrase Privacy Act requests in either the hit label or description. The researcher selected Agree for the same search if the hit label, or descriptions of hits at the top of the hierarchal order contained parts of the phrase, which indicate that the search result links to potential Privacy Act request procedures.

   For the same search term, the researcher selected Disagree for 33% of sites when hits returned at the top of the hierarchal order contained the phrase Privacy Act and the hits contained no inclusion of the term request(s) anywhere in the hit label or description or it was not obvious
the result is for a potential Privacy Act request procedure. The researcher selected Strongly Disagree for 33% of sites when hits returned had no reference to *Privacy Act* or privacy related requests in any of the top 20 hits.

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Figure 5.1: Example of hierarchal order of search list from the Department of Education site.

Figure 5.1 above provides an example of the hierarchal order of documents retrieved during an agency web site search using the search phrase, *privacy act requests* in the search feature of the *U.S. Department of Education* web site. The first six of ten hits are visible in the web window of figure 5.1. The first two hits and the fourth hit of the hierarchal order are links
related to the *Family Educational Rights and Privacy Act* (FERPA). All three of these FERPA hits contain the term *request(s)* and the second and third hits contain the phrase *Privacy Act*.

The third and fifth hits actually contain the search phrase *Privacy Act requests* in both the label and descriptive content of the hit. Although the sixth hit seems to be relative to FOIA, according to the hit label, the description of the hit also includes the search phrase, *Privacy Act requests*, so the potential exists that the sixth hit could result in the location of a Privacy Act request procedure.

For the screenshot example above (i.e. figure 5.1), the researcher selected *Agree* from the list of Likert item responses. Although hits 1, 2, and 4 of the list are obviously FERPA resources and not Privacy Act resources, hits 3, 5, and 6 are potential Privacy Act resources.

**Key Finding**

Only 34% of agency web site searches adequately reflect the search terms in the hierarchal order of the lists.

**Key Issues**

1. Based on the usefulness of the hierarchal order of search hits from agency web site searches through the sample’s 64 sites, 66% of the lists did not adequately reflect the search terms in the hierarchal order of the lists.

2. Thirty-one percent of the sites had no evident Privacy Act request information links present in the hierarchal order of search hits from searches (i.e. strongly disagree).

**Recommendations**

The hierarchical order of search results determines a user’s ability to locate desired resources or sources of information (i.e. issue one above). The hierarchical order is dependent upon the sophistication of the search feature and the use of META tag descriptions in the page header of the resource (Nielsen, 2000, p. 233). Adding META tag descriptions to headers increase the likelihood that searches have returns that are more relevant.

In addition, agencies can determine the content of the META tag descriptions (i.e. annotations). Agencies can provide annotated descriptions of resources or use author’s descriptions of the resources. Either way, META tag descriptions (i.e. annotations) often determine user’s success in identifying a relevant resource based on a search of a web site (Nielsen, 2000, p.233).
Agencies should implement search features into their website design that are capable of searching resources available through their websites and the webpage content of all pages associated with their site. If resources and services are not conducive to current search capabilities of a site, then the agency should take steps to integrate resources more effectively into their site and/or integrate a more sophisticated search approach by means of META tag descriptions.

d. Links to guidance procedures on website pages were easy to locate:

Links to guidance procedures were easy to locate in 61% of sites (i.e. Agree and Strongly Agree combined). The researcher selected Agree for 53% of sites when it was evident based on the link labels that the resultant page could contain information relative to Privacy Act requests. The researcher selected Strongly Agree for 8% of sites when links were prevalent in labeled areas, such as Additional Privacy Act Request Information or Privacy Act Information.

The researcher selected Undecided for 3% of sites (i.e. 2 sites) where the content of pages included what appeared as links to potential Privacy Act request information; however, the links were difficult to locate or lacked enough identifying information in the label. The researcher selected Disagree for 5% of sites when available links were questionable as to the links leading to information about Privacy Act requests, i.e. the link label would indicate a link to the site’s Privacy Policy, which may or may not include information about Privacy Act requests. The researcher selected Strongly Disagree for 31% of sites where no evident Privacy Act request information links were present.

Figure 5.2 below presents an example of Privacy Act related links located in a U.S. Department of Education web page. This web page is actually the link from the third hit of figure 5.1 above. The content located in the center of the web page is a type 3 procedure. It provides information related to how to submit a request and an address to fax or mail the request and it includes a link in the first paragraph under the sub-header, Submit Via Fax or Mail that reads Privacy Act Request Checklist.

Even though the actual header of the page reads General: Freedom of Information Act, the header, Privacy Act Request Instructions is evident below the list of links under General: Freedom of Information Act. Note that the list of links directly under General: Freedom of Information Act also includes a link labeled About the Privacy Act. The researcher would select
Strongly Agree that the link in the center of the page to a Privacy Act Request Checklist, under Submit Via Fax or Mail is to a Privacy Act guidance procedure.

Figure 5.2. Example from the Department of Education web site of a type 3 procedure with links to other areas with information related to Privacy Act requests.

Figure 5.3 below is a link from figure 5.2 (above) entitled About the Privacy Act (top of page). The About the Privacy Act content (i.e. shown in figure 5.3 below) is a type 1B procedure with information about the Privacy Act. Of additional interest related to location of links in the web page shown above is the MORE RESOURCES box in the center of the page with highlighted links to the Text of the Privacy Act (type 1A procedure), the Citizen’s Guide (type 3 procedure),
and the DOJ Overview of the Privacy Act (type 1B procedure). The researcher would select Strongly Agree in terms of location of links to Privacy Act guidance procedures for this page.

Figure 5.3. Type 1B example from the Department of Education web site of links to other type 1-3 procedures.

Key Finding

Links to guidance procedures on web site pages were easy to locate in 61% of the agency web site search sample sites.
**Key Issue**

Links to guidance procedures on web sites pages were not easy to locate in 36% of the sample’s sites that contained links (i.e. strongly disagree and disagree).

**Recommendations**

Highlight links in the content of a page. Agencies can also address how well links in their web pages direct users to needed information resources by grouping links by same subject headers, i.e. FOIA subject headings grouped together and privacy related subject headings grouped separately on the page. Agencies can also insure that available links are highly visible by making subject headers **BOLD**; using oversize **fonts** for headers; and assuring that the headers are clearly visible at the top of web pages or in designated **link boxes** that contain similar subject header links, i.e. a bordered box that contains links to privacy information resources and/or web pages.

e. It was easy to navigate back to the agency home page:

   Navigation back to the home page of a web site refers to the ease with which a user can find their way back to the entry page of the site, or site home page after conducting searches through the site. Most browsers have back buttons for use in navigation through a site; however, these back and forward buttons typically move through an entire sequence of page selections, which is an inefficient method of returning to a starting point or home page. The inefficiency of the browser back-button approach is particularly dependent upon the depth of searches conducted. Web site design navigation features take a user directly to the home, or start page.

   Navigation features that will direct a web site user back to a home page or to the user’s point of origin in the web site include a Home link, the use of breadcrumbs, or use of some other link such as the web site’s name. Assessment of navigation back to an agency’s home page for this study occurs based on the three navigation features listed above.

   Navigation back to the home page was easy for 63% of sample sites (i.e. Agree and Strongly Agree combined) where navigation links directly back to the home page were evident from any page visited in the site. The researcher selected Agree for 58% of sites with evident home buttons and Strongly Agree for 5% of sites that opened documents in site-relational web pages that also maintained a link back to the home page, no matter how many pages into a site.

   The researcher disagreed that navigation back to the home page was easy in 23% of sites based primarily on a lack of navigation features on web site pages that would direct a user back
to the home page or originating entry point of the web site. The researcher strongly disagreed for 14% of sites where links opened in other agency sites or in sites that opened as documents and no links back to the home page or site were evident.

**Key Finding**

Sixty-three percent of sites contained navigation features that are readily visible and direct a user back to the home page or originating entry point of the web site.

**Key Issue**

It was not easy to navigate back to agency home pages from web pages that contain guidance procedures in 37% of sample sites that contain type 3 procedures.

**Recommendations**

In 23% of the instances (i.e. disagree), the web site lacked navigation features on web site pages that would direct a user back to the home page or originating entry point of the web site. Agencies that lack sufficient navigation features to direct a user back to the home page or originating entry point of the web site can add the navigation features to each web site page.

For 14% of sites (i.e. strongly disagree), users were directed, via links from hierarchical search lists or from agency web site pages to non-agency web sites that would not contain navigation features back to the originating web site home page. Agencies can aide users’ success in navigating back to the agency’s web site home page by having links to non-agency sites open in new windows, i.e. a new browser window opens leaving the original browser window available for users to return to the original agency’s home page of web site point of entry.

**Location of Guidance Procedure Metrics**

Table 5.5 below contains two additional usability study metrics specific to whether guidance procedures were located during the search process. The usability study location of guidance procedure metrics were only collected through the agency web site searches. The usability study location of guidance procedure metrics assesses the success, by sample site searched, of the search process to locate guidance procedures. Guidance procedures sought in this research provide information about the Privacy Act (type 1), information on how agencies respond to Privacy Act requests for access (type 2), and information specific to how individuals request access (type 3).
Assessment occurred at the same time as the assessment of the usability usefulness metrics (i.e. statements a-e above) and is of each sample site for 64 total assessments. Location of procedures includes two desired results: 1) successful location of any type 1-3 procedures; and 2) location of desired procedures, i.e. type 3 procedures.

**Analysis of location of guidance procedure results.** Table 5.5 below presents the results of usability metrics collected after the researcher completed the usability and web content review data collection efforts for the agency web site search. In row 1 below, the researcher accomplished steps to locate guidance procedures in an agency web site if at least one procedure of type 1-3 was located in a web site. In row 2, the researcher located desired procedures if at least one type 3 procedure was located in a site.

<table>
<thead>
<tr>
<th>Location of Guidance Procedures Metrics</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Accomplished steps to locate type 1-3 procedures</td>
<td>51</td>
<td>13</td>
</tr>
<tr>
<td>2 Located desired procedures (i.e. type 3 procedures)</td>
<td>40</td>
<td>24</td>
</tr>
</tbody>
</table>

**Key findings.** The researcher located at least one guidance procedure of type 1-3 in 51 of 64 (80%) sites (row one of figure 5.8 above). Of the 64 sample sites, the researcher did not locate any type 1-3 guidance procedure in 13 of 64 (20%) sample sites. In row 2, the researcher located at least one type 3 procedure in 40 of 64 (63%) sample sites. Of the 64 sample sites, the researcher did not locate any type 3 guidance procedures in 24 of 64 (36%) sample sites.

**Key issues.**
1. The researcher did not locate any guidance procedures in 20% of the agency web site search sample sites.
2. The researcher did not locate any type 3 procedures in 37% of the agency web site search sample sites.
**Recommendations.** Agency web site searches began on the home page of each study sample site. The researcher utilized a search protocol that included searching through sample web sites for any information related to privacy requests (i.e. type 1-3 guidance procedures). The researcher also conducted searches using each sample site’s search feature and the search phrases *Privacy Act requests, Privacy Act, and access to agency records.*

For agency web sites where the researcher did not locate any guidance procedures using the protocol’s search phrases, agencies should self assess how they present and provide access to privacy resources. In particular, agencies should provide better access to guidance procedures that inform individuals on how to submit requests.

**Chapter Summary**

The usability study provides an analysis of data collected using agency web site, USA.gov, and Google.com search approaches where the goal of the searches is to locate Privacy Act request related information in agency web sites. Usability metrics selected for this study provide measures that determine the effectiveness, efficiency, and usefulness of how agencies provide access through their web sites to Privacy Act request information.

Based on the analysis of the usability study count and timed metrics, the overall search process was effective and efficient for agency web sites, USA.gov, and Google.com searches; however, Google.com and USA.gov required fewer count metrics and less time to locate the procedures than agency web site searches. Google.com and USA.gov were more effective and efficient at locating Privacy Act request guidance procedures than agency web site searches.

Based on the analysis of where subject content is located on the page (i.e. top, middle, or bottom), Google.com searches located the highest percentage (90%) of procedures visible at the top of pages followed by USA.gov with 76% at the top and agency web site searches with 66% at the top. For procedure page location, the Google.com search located the highest percentage of effectively presented type 3 procedures.

In addition to the usability effectiveness and efficiency metrics, the usability study includes the collection of usefulness metrics that provide measures of the researcher’s search experience specific to agency web site searches. Overall, navigation through all of the sites was intuitive and search features were easy to locate; however, only 34% of search hierarchical hit lists adequately reflect the study’s search terms in the hierarchical order of the lists and only 64%
of links to guidance procedures available in located search related web pages were easy to identify as Privacy Act links. In addition, only 63% of sites contained navigation features that are readily visible and direct a user back to the home page or originating entry point of the web site.

Overall, the researcher located at least one type 1-3 guidance procedure in 51 of 64 (80%) sites and at least one type 3 procedure in 40 of 64 (63%) sample sites. The researcher did not locate any guidance procedures in 20% of the sample’s sites and did not locate any type 3 procedures that inform individuals on how to submit a request in 37% of the sample’s sites.

The usability method of this study specifically addresses the effectiveness and efficiency of how well agencies provide access to Privacy Act related information through agency web sites. In general, navigation though agency web sites and locating desired procedures is an effective and efficient process in the 80% of agencies where type 1-3 procedures were located and for the 67% of agencies where type 3 procedures were located.

For the 20% of agencies where no procedures were located and the 37% of agencies where no type 3 procedures were located, however, the issues presented in this chapter identify specific aspects of agency web sites that hinder, or affect how individuals navigate through and locate needed information in the agency web sites. These agencies should assess their web sites to determine if any of the issues identified by this usability study exist, and if so, apply recommendations from this chapter to improve the overall usability of their web sites.

In addition to recommendations presented in this chapter that specifically address identified key issues, agencies have a number of available sources to help them develop their web sites and improve usability, such as Nielsen’s *Designing Web Usability* (2000) and Nielsen & Loranger’s *Prioritizing Web Usability* (2006). In addition, the United States is one of 158 nations that are members of (i.e. the U.S. is a member), correspondents with, or subscribers to the International Organization for Standardization (ISO) web site standards. Adoption and full implementation of usability sources, such as those presented by Nielsen and Loranger, and fully adopting ISO standards will help all agencies develop interoperable and standardized web sites that promote usability of their sites for users.

This chapter provides an analysis of usability study results collected from agency web site, USA.gov, and Google.com searches where the intent of all three searches is to locate and assess guidance procedures located in agency web sites. The usability study includes key
findings, key issues, and recommendations that are specific to each section presented in the chapter.

Key issues presented in this chapter identifies that there are no mandated Privacy Act statutes that require clearly identified and dedicated web space across agencies for posting Privacy Act related information. Because of this, agencies independently present privacy related information through their web sites. With no clearly identified and dedicated web space across agencies, agencies may not effectively inform individuals about how agencies maintain personal information contained in agency records.

A discussion of the identified issues from this chapter and their broader implications in terms of how agencies provide access for individuals to agency records occurs in chapter 7, *Assessment of Study Findings, Approach, Methodology, Recommendations, and Future Research*. Chapter 6 provides an analysis of the web-content review and Privacy Act request assessment data collection results. Analysis of data collected by these methods includes the identification of key findings, key issues, and recommendations to address the key issues.
CHAPTER SIX
ANALYSIS OF WEB-CONTENT REVIEW AND PRIVACY ACT REQUEST DATA COLLECTION RESULTS

The Analysis of Usability Study Data Collection Results (i.e. chapter 5) provides usability data results collected from agency web site, USA.gov, and Google.com searches where the intent of all three searches is to locate and assess guidance procedures located in agency web sites. Chapter 5 also provides an overview of the three search efforts (i.e. the introduction section); the research questions addressed by the data analyses presented in chapters 5 and 6; and an overview of data collection results available in appendices A-D. In addition, chapter 5 provides an overview of the study’s goals, the study methods, and the study’s data collection strategy as they apply to data analysis results.

Chapter 6 continues the data analysis process presented in chapter 5 by providing an analysis of the web-content review and the Privacy Act request results. This chapter presents the analysis of data collection efforts by data collection method. Results presented in this chapter include comparisons of the agency web site, USA.gov, and Google.com search’s Web-content review results; Privacy Act request assessment of whether located type 3 requirements are submissable; and an analysis of Privacy Act requests submitted to ten departments. In addition, this chapter presents an analysis of aggregated submission requirements collected from all type 3 procedures located by agency web site searches.

As part of the analysis of data collection results, this chapter identifies key findings and issues related to access for individuals to Privacy Act records through agency web sites and provides recommendations for how agencies could address each issue. This chapter presents data analysis results, issues, and recommendations throughout the chapter by data collection method.

The chapter summary provides an overview of key findings, key issues, and recommendations to agencies specific to the key issues. A discussion of identified issues from this chapter and their broader implications in terms of how agencies provide access for individuals to agency records occurs in chapter 7, Assessment of Study Findings, Approach, Methodology, Recommendations, and Future Research.
ANALYSIS OF WEB CONTENT REVIEW RESULTS

Introduction

The web content review identifies the types of procedures (i.e. types 1-3) located in departments and agencies by searches through agency web sites, USA.gov, and Google.com. Type 1 procedures provide information about the Privacy Act. Type 2 procedures provide information about how agencies respond to requests. Type 3 procedures provide information to individuals on how to submit a request. For a more detailed discussion of guidance procedure types, see chapter 3, the *Purpose and Benefits of Guidance Procedures.*

Counts of Type 1-3 procedures are the detailed results of agency web site searches only, so no comparisons are available to USA.gov and Google.com searches. The intent of USA.gov and Google.com searches was to provide type 3 procedure related data for comparison to agency web site search results.

Total Number of Type 1 and 2 Procedures Located

Table 6.1 below presents a detailed breakdown of total located type 1 and 2 procedures utilizing agency web site searches.

<table>
<thead>
<tr>
<th>Total Type 1 and 2 Procedures Located by Agency Web Site Searches</th>
<th>1A: Text of the Privacy Act</th>
<th>1B: Information About the Privacy Act</th>
<th>2C: Information on how Departments and Agencies Respond to Privacy Act Requests</th>
<th>2D: Information on how other Departments and Agencies Respond to Privacy Act Requests</th>
<th>Total Type 1 and 2 Procedures located per Total Sites with Procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Procedures/Departments with Procedures</td>
<td>13/12</td>
<td>10/6</td>
<td>16/10</td>
<td>2/2</td>
<td>41/15</td>
</tr>
<tr>
<td>Total Procedures/Agencies with Procedures</td>
<td>16/16</td>
<td>10/7</td>
<td>22/19</td>
<td></td>
<td>48/36</td>
</tr>
<tr>
<td>Total Procedures/Total Sites with procedures</td>
<td>29/28</td>
<td>20/13</td>
<td>38/29</td>
<td>2/2</td>
<td>89/51</td>
</tr>
</tbody>
</table>
Analysis of the Total Number of Type 1 and 2 Procedures Located. As shown in the bottom row of table 6.1 above, 89 total type 1 and 2 procedures were located in 80% of the sample sites (51/64). From column 1A, 29 links to the text of the Privacy Act were located in 44% of the sample sites (28/64) and from column 1B, 20 procedures with information about the Privacy Act were located in 20% of the sample sites (13/64). From column 2C above, 38 type 2C procedures were located in 45% of the sample sites (29/64).

Key Findings.
1. Of the 64 sample sites, 44% of the sites provide direct links to the text of the Privacy Act.
2. Of the 64 sample sites, 20% of the sites provide information about the Privacy Act.
3. Of the 64 sample sites, 45% provide information on how departments and agencies respond to requests.

Key Issues.
1. Fifty-six percent of the sample sites do not include links to the Privacy Act.
2. Eighty percent of sample sites do not provide information about the Privacy Act.
3. Fifty-five percent of the sample sites do not provide specific procedures on how departments and agencies must respond to requests from individuals.

Recommendations. Privacy Act statutes do not require agencies to post links to the text of the Privacy Act or to provide information about the Privacy Act; however, all agency web sites should contain a link to the text of the Privacy Act and provide a citizen-friendly, general overview of the Privacy Act. The overview should include information, such as the following:

- Intent of the act in providing protections for personal information;
- Types of protections offered by statutes of the act;
- Application of the protections of the act (i.e. what they are and how they are implemented);
- Rights afforded individuals by the act; and
- How agencies comply with the act’s statutes to insure the protection of citizen’s rights and personal information collected by federal agencies.

Federal agencies should inform citizens about the Privacy Act and provide the information in a way citizens will understand.
In terms of type 2 procedures that provide information on how agencies respond to requests for access to agency records, Privacy Act statutes require OMB and each agency to develop procedures on how to respond to citizen’s request for access to agency records and require that each agency post the procedures in the *Federal Register*. In addition to the *Federal Register*, each agency should provide a copy of the agency’s response procedures in the agency web site, and the procedures should provide the information in a way citizens will understand.

**Total Number of Type 3 Procedures Located**

Type 3 guidance procedures provide information to individuals on how to submit a Privacy Act request for agency records. Although alternative approaches to locating type 3 procedures may locate additional type 3 procedures, this study utilized a search protocol specific to the Privacy Act. The study’s search protocol included a search of each web site page for privacy related information and search terms specific to Privacy Act requests. In addition, the researcher identified located type 3 procedures based on minimum requirements that a procedure provide enough basic information that individuals can request access to agency records.

The Web-content review does not assess the degree to which a procedure provides minimum information to submit a request. The Privacy Act requests assessment of this chapter provides an analysis of whether procedures identify minimum requirements necessary for individuals to submit a request.

**Analysis of the Total Number of Type 3 Procedures Located.** Table 6.2 below provides comparisons of total type 3 procedures located through agency web site, USA.gov, and Google.com searches. Results are presented by ratios of located type 3 procedures/total sites that contains type 3 procedures (see column 2 below); and by ratios of located type 3 procedures/total sample sites (see column 3 below where n = 64 total sample sites).

From column 1, agency web site searches located 85% more type 3 procedures than USA.gov searches (i.e. 87 agency web site located procedures compared to 47 USA.gov procedures) and 53% more type 3 procedures than Google.com (87 agency web site located procedures compared to 58 Google.com procedures). Also, agency web site searches located type 3 procedures in 90% more sites (40/21) than USA.gov searches and in 48% more sites (40/27) than Google.com searches. When viewed as ratios of located procedures per single site
for sites that contain procedures (column 2), however, the ratios of all three searches are essentially the same.

Table 6.2. Total number of type 3 guidance procedures located

<table>
<thead>
<tr>
<th>Total Type 3 Procedures Located by Agency Web Site Search</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Ratio of Located Type 3 Procedures/Site (total sites w/procedures)</td>
<td>Ratio of Located Type 3 Procedures/Site (total sites w/procedures)</td>
</tr>
<tr>
<td>Agency Web Site Search</td>
<td>87/40</td>
<td>2.2/1 (n = 40)</td>
<td>1.4/1 (n = 64)</td>
</tr>
<tr>
<td>USA.gov Search</td>
<td>47/21</td>
<td>2.2/1 (n = 21)</td>
<td>0.7/1 (n = 64)</td>
</tr>
<tr>
<td>Google.com Search</td>
<td>58/27</td>
<td>2.1/1 (n = 27)</td>
<td>0.9/1 (n = 64)</td>
</tr>
</tbody>
</table>

When viewed by ratios of located procedures per site for the 64 sample sites searched (column 3), agency web site searches located 100% more procedures than USA.gov (1.4/.7) and 56% more procedures than Google.com (1.4/.9). Agency web site searches for sites that contain type 3 procedures (column 2) and for the study’s entire 64 sample sites (column 3) are more effective at locating type 3 guidance procedures than USA.gov or Google.com. Overall, agency web site searches located type 3 procedures in 63% (40/64) of the sample’s 64 sites, by USA.gov searches in 33% (21/64) of the sample’s 64 sites, and by Google.com searches in 42% (27/64) of the sample’s sites.

**Key Finding.** Agency web site searches located type 3 procedures in more sample sites than USA.gov or Google.com, i.e. by ratio agency web site searches located 100% more procedures than USA.gov (1.4/.7) and 56% more procedures than Google.com (1.4/.9). Agency web site searches are more effective at locating type 3 procedures than either USA.gov or Google.com.
**Key Issues.**
1. Agency web site searches did not locate type 3 procedures in 38% (24/64) of sample sites.
2. USA.gov searches did not locate type 3 procedures in 67% (43/64) of sample sites.
3. Google.com searches did not locate type 3 procedures in 58% (37/64) of sample sites.

**Recommendations.** For individuals to submit Privacy Act requests, individuals need to know how to make a request. All agencies should provide guidance procedures for individuals on how to make a Privacy Act request in each agency’s web site. Agencies should provide these procedures (type 3) through their web sites in a way that searches using Privacy Act request related search terms retrieve the procedures; individuals need to understand the procedures once located; and the procedures should include all agency-required information for individuals to submit a request.

**Summary of Web Content Review Analysis Results**

The web content review identified the types of procedures (i.e. types 1-3) located in departments and agencies. Analysis of located type 1-3 procedures for the study’s 64 sample sites found that 44% of the sites provide direct links to the text of the Privacy Act, 20% provide information about the Privacy Act, and 45% provide information on how departments and agencies respond to requests. Analysis also found that agency web site searches located type 3 procedures in 100% more procedures than USA.gov (1.4/.7) and 56% more procedures than Google.com (1.4/.9). Agency web site searches are more effective at locating type 3 procedures than either USA.gov or Google.com.

In addition to the summary of key findings above, the analysis of Web-content review results identified issues related to types of guidance procedures located in the sample’s 64 sites that include:

1. Fifty-six percent of the sample sites do not include links to the Privacy Act and 80% do not provide information about the Privacy Act (i.e. type 1 guidance procedures).
2. Fifty-five percent of the sample sites do not provide specific procedures on how departments and agencies must respond to requests from individuals (i.e. type 2 guidance procedures). 

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3. Agency web site searches did not locate type 3 procedures in 38% (24/64) of sample sites, by USA.gov searches in 67% (43/64) of sample sites, and by Google.com searches in 58% (37/64) of sample sites.

The issues above identify the difficulties individuals will encounter when attempting to locate information related to the Privacy Act, how agencies respond to Privacy Act requests, and how individuals obtain information from agencies on how to submit a Privacy Act request.

To improve access for individuals to the actual text of the Privacy Act and information about the Privacy Act, all agency web sites should contain a link to the text of the Privacy Act and provide a citizen-friendly, general overview of the Privacy Act. In terms of access for information on how agencies respond to requests for access to agency records, each agency should provide a copy of the agency’s response procedures in the agency web site and the procedures should provide the information in a way citizens will understand.

To improve access for individuals to information on how to submit a request, agencies should provide information through their web sites in a way that searches using Privacy Act request related search terms retrieve the procedures. Individuals also need to understand the procedures once located to use the procedures. In addition, the procedures should include all agency-required information for individuals to submit a request.

Provision of type 1-3 procedures through agency web sites as described above and in the recommendations provided in this section will improve individuals’ understanding of the Privacy Act request process. Recommendations also provide individuals with guidance on how to submit requests. Agencies that provide type 1-3 procedures through their web sites can better inform individuals about the Privacy Act request process by revising existing procedures to make the procedures more informative to and understandable by individuals.

For agencies where type 1-3 procedures were not located through the three searches, however, individuals searching for Privacy Act related information will have difficulty locating the information if they use search terms similar to this study’s, such as Privacy act request, Privacy Act, and access to agency records. These individuals will lack understanding about the Privacy Act, of how agencies respond to Privacy Act requests, and of how to obtain the information needed to submit requests, making requests very difficult to submit.
ANALYSIS OF PRIVACY ACT REQUEST RESULTS

Introduction

The Privacy Act request method provides measures based on the potential for submission of located type 3 guidance procedures. This section analyzes detailed results of agency web site, USA.gov, and Google.com searches for potential submission of type 3 procedures.

The Privacy Act Requests assessment of procedures is an assessment of whether type 3 procedures, as located in sample sites provide minimal information for an individual to submit a request. Minimal requirements of procedures to determine the potential for submission include:

1) Procedures must inform individuals of their right to request access to agency records; and
2) Procedures must include a mailing address or fax number to submit the request.

In addition to both of the above minimal requirements, procedures are only relevant to an agency if the agency or agency’s department developed the procedures. Procedures developed by other departments/agencies or federal guidelines will not provide relevant contact information individuals would need to submit a requests.

Total Type 3 Procedures Located by Subcategory

Type 3 procedures, when presented by subcategories, better present the potential for submission. Subcategories of type 3 procedures located through agency web site, USA.gov, and Google.com searches include:

- Department guidelines – department developed procedures on how individuals submit requests through their department and in some cases for their agencies;
- Agency guidelines – agency developed procedures on how individuals submit requests;
- Other departmental guidelines – procedures developed by departments and agencies other than the department or agency searched;
- Federal guidelines – procedures provided in federal guidelines on how to request information;
- Department Forms – forms developed by departments for submission at the departmental level, i.e. some departments develop forms for use by their agencies;
- Agency Forms – forms developed by agencies for submission at the agency level; and
Federal Guide Forms – forms developed by non-department or agency sources, such as forms from federal guides or other non-department/agency sources.

Presentation of type 3 procedures by subcategories is significant in determining if located procedures contain relevant information for submission of requests.

**Analysis of Total Type 3 Procedures Located by Subcategory.** Departments develop guidelines for Privacy Act access to agency records through each department and agencies develop agency specific guidelines. In some departments, agencies use the same guidelines as those developed by the agency’s department. In addition to department and agency guidelines located during searches, the search results include hits to guidelines developed by other departments and agencies.

For example, the agency web site search in the *Department of Agriculture* located guidance procedures created by *Department of Agriculture* agencies, i.e. the *Agriculture Marketing Service* and the *Agriculture Research Services*. In addition, to these *Department of Agriculture* agencies, the search located a *U.S. Census Bureau* procedure that contains information on how to submit a request through the *U.S. Census Bureau*. These departmental agency procedures are specific to each agency and do not provide guidance for individuals searching the *Department of Agriculture* web site on how to submit a Privacy Act request through the *Department of Agriculture*.

The search in the *Department of Agriculture* web site also located links to two federal guidelines that provide information to individuals on how to request Privacy Act access to agency records. The two federal guidelines are *Your Rights to Federal Documents* and *A Citizen’s Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records*. These federal guidelines provide guidance to individuals on how to request information; however, the guidelines are not specific to any federal department or agency. Individuals cannot submit a Privacy Act request based on information contained in these guidelines.

In terms of forms that individuals can use to make Privacy Act requests, the agency web site search located a *Department of Energy* specific form. Individuals can use this form to submit Privacy Act requests to the *Department of Energy*. A search through the *Department of Justice* web site, however, located an agency specific form for the *Federal Bureau of Investigation* that does not provide *Department of Justice* specific guidance for submission of requests. In addition
to the above results for this example, the agency web site search through the *Department of Energy* located a Federal Guide form in the federal guide *Your Rights to Federal Documents*, which does not provide *Department of Energy* specific guidance for requests.

Table 6.3 below presents total located type 3 procedures for agency web site, USA.gov, and Google.com searches. Presentation of findings for each search occurs by department and agency by subcategories of guidance procedures. Agency web site, USA.gov, and Google.com searches located 192 type 3 guidance procedures through department and agency searches. Many of the procedures, however, are not department or agency specific, which means that many of the located procedures do not provide useful information related to an individual’s search and do not meet individual’s Privacy Act request information needs.

<table>
<thead>
<tr>
<th>Total Type 3 Procedures Located by Subcategory</th>
<th>Breakdown by Department and Agency</th>
<th>Department Guidelines</th>
<th>Agency Guidelines</th>
<th>Other</th>
<th>Departmental Guidelines</th>
<th>Other Departmental Guidelines</th>
<th>Federal Guidelines</th>
<th>Federal Guide Forms</th>
<th>Total Procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agency Web Site Search:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Procedures Located</td>
<td>Department</td>
<td>14</td>
<td>11</td>
<td>1</td>
<td>4</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>34</td>
</tr>
<tr>
<td></td>
<td>Agency</td>
<td>26</td>
<td>14</td>
<td>4</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td></td>
<td>53</td>
</tr>
<tr>
<td><strong>USA.gov Search:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Procedures Located</td>
<td>Department</td>
<td>13</td>
<td>4</td>
<td></td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>Agency</td>
<td>12</td>
<td>3</td>
<td>7</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td></td>
<td>28</td>
</tr>
<tr>
<td><strong>Google.com Search:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Procedures Located</td>
<td>Department</td>
<td>16</td>
<td>3</td>
<td>6</td>
<td>3</td>
<td>1</td>
<td></td>
<td></td>
<td>29</td>
</tr>
<tr>
<td></td>
<td>Agency</td>
<td>9</td>
<td>10</td>
<td>5</td>
<td>4</td>
<td>1</td>
<td></td>
<td></td>
<td>29</td>
</tr>
</tbody>
</table>
Key Findings.

1. Forty-one percent (14/34) of the 34 total procedures located by the agency web site search in departments contain information specific to how individuals submit Privacy Act requests through departments. Sixty-eight percent (13/19) of 19 total procedures located with USA.gov searches are department specific. Fifty-five percent (16/29) of 29 total procedures located with Google.com searches are department specific.

2. Twenty-six percent (14/53) of the 53 total procedures located in agencies by the agency web site search contain information specific to how individuals submit Privacy Act requests through the agencies. Eleven percent (3/28) of 28 agency procedures located with USA.gov searches are agency specific. Thirty-four percent (10/29) of 29 agency procedures located with Google.com searches are agency specific.

Key Issues.

1. Fifty-nine percent (20/34) of procedures located in departments for the agency web site search are not department specific, 32% of USA.gov located department procedures (6/19) are not department specific, and 45% of Google.com located department procedures (13/29) are not department specific.

2. Seventy-four percent (39/53) of procedures located in agencies for the agency web site search are not agency specific, 32% of USA.gov located agency procedures (6/19) are not agency specific, and 45% of Google.com located agency procedures (13/29) are not agency specific.

Recommendations. For departments and agencies, usefulness of type 3 procedures for individuals who want to submit a request occurs based on the relevance of located procedures to the department or agency searched. Findings from the Privacy Act request assessment include:

1. Type 3 procedures located in departments and agencies are not always relevant to information needed from the department or agency searched.

2. Type 3 procedures located in searches that are not relevant reduce the effectiveness and efficiency of searches by individuals to fulfill Privacy Act request information needs.

3. Type 3 procedures located in departments and agencies that are not relevant to the department or agency searched could confuse individuals and/or cause individuals to submit requests to the wrong department or agency.
To address the above, departments and agencies should post site relevant guidance procedures for individuals on how to submit Privacy Act requests on their web sites. Site relevant guidance procedures will improve the effectiveness and efficiency for individuals in locating needed Privacy Act request information on how to submit requests.

**Submission Potential for Type 3 Procedures**

As shown in figure 6.3 above, relevance of located procedures to the department or agency searched determines the usefulness of located type 3 procedures. In addition to this relevance, analysis of the submission potential for type 3 procedures includes an assessment of the content of procedures to determine if the procedures contain minimal information needed for submission. Minimal requirements of procedures to determine the potential for submission include:

1. Procedures must inform individuals with enough information for them to understand their Privacy Act right to request access to agency records; and
2. Procedures must include a mailing address or fax number to submit the request.

Relevance of a located procedure to a specific site along with the basic information contained in a procedure determines the potential for submission by an individual.

**Analysis of the Submission Potential for Type 3 Procedures.** Table 6.4 below provides an assessment of the submission potential for type 3 procedures based on minimal requirements for submission. Column 1 presents the total number of type 3 procedures located in each search by number of sites that contain type 3 procedures. Column 2 presents the number of type 3 procedures and total sites (i.e. in parentheses) that contain minimal requirements for submission by site and the number of type 3 procedures and total sites (i.e. in parentheses) that do not contain minimal requirements for submission. Columns 3-5 are general categories that describe located type 3 procedures that do not meet minimal requirements for submission.

As shown in columns 3-5, there are three identifiable reasons located type 3 procedures do not contain minimal requirements for submission. The three reasons include:

1. Federal guidance procedures – these procedures contain information for individuals on how to submit a request but lack contact information specific to departments and agencies for individuals to submit a request.
2. Not enough information – these are department and agency developed procedures that lack adequate information for individuals to submit a request.

3. Wrong request contact – these are department and agency developed procedures that are not department or agency specific, i.e. contain contact information for a department or agency other than contact information needed for the sought department or agency.

All of the located procedures presented in figure 6.4 above for agency web site, USA.gov, and Google.com searches.

<table>
<thead>
<tr>
<th>Assessment of Submission Potential of Procedures</th>
<th>1 Total Type 3 Procedures/ Sites With Procedures</th>
<th>2 Can Submit From Initial Procedures Y/N ( # Sites)</th>
<th>3 Federal Guidance Procedure</th>
<th>4 Not Enough Information</th>
<th>5 Wrong Request Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency Web Site Search</td>
<td>87/40</td>
<td>12Y(12) 75N(28)</td>
<td>17</td>
<td>31</td>
<td>27</td>
</tr>
<tr>
<td>USA.gov Search</td>
<td>47/21</td>
<td>9Y(8) 38N(13)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Google.com Search</td>
<td>58/27</td>
<td>16Y(12) 42N(15)</td>
<td>7</td>
<td>21</td>
<td>14</td>
</tr>
<tr>
<td>Totals</td>
<td>192/88</td>
<td>37Y(32) 155 N(56)</td>
<td>24</td>
<td>75</td>
<td>55</td>
</tr>
</tbody>
</table>

**Key Findings.** From column 1 above, agency web site searches located 85% more type 3 procedures (87/47) than USA.gov searches and 53% more type 3 procedures (87/58) than Google.com. From column 2, however, 28% of Google.com located procedures (16/58) and 19% of USA.gov located procedures meet minimal submission requirements compared to just 14% of agency located type 3 procedures (12/87). Searches through Google.com and USA.gov were more effective at locating submissable type 3 procedures than agency web site searches even though agency web site searches located the highest total number of type 3 procedures.
In terms of sites that contain type 3 procedures (also from column 2), 30% (12/40) of sites with type 3 procedures located through agency web site searches contain minimal requirements for submission. For USA.gov searches, 38% (8/21) of sites with procedures contain minimal requirements for submission. For Google.com, 44% (12/27) of sites contain minimal requirements for submission.

When viewed by the total study sample sites (i.e. 64 departments and agencies per search), however, 19% (12/64) of agency web site and Google.com searches contain minimal requirements for submission. For USA.gov searches, 13% (8/64) of total sample search sites contain minimal requirements for submission.

Based on the total number of type 3 procedures that do not contain minimal requirements for submission (column 2), 86% of type 3 procedures (75/87) located through agency web site searches do not contain minimal requirements for submission. Eighty-one percent of type 3 procedures (38/47) located through USA.gov do not contain minimal requirements for submission. Seventy-two percent of type 3 procedures (42/58) located through Google.com do not contain minimal requirements for submission.

For agency web site searches, federal guidance procedures (column 3) account for 23% (17/75) of procedures that do not contain minimal requirements for submission, and 41% (31/75) do not contain enough information to submit, and 36% contain the wrong request contact. For USA.gov searches, 100% (38/38) do not include enough information for submission or the procedures contain the wrong request contact (columns 4 and 5). For Google.com searches, 83% (35/42) do not include enough information to submit or the procedures contain the wrong request contact (columns 4 and 5). Google.com search results also include seven federal guidance procedures (i.e. 17% of procedures that do not include enough information to submit).

Although some replication of results may have occurred across the three study searches (i.e. searches located the same procedures per department/agency), altogether, the three searches located 192 type 3 procedures (bottom row of figure 9.12 above) that provide information to individuals on how to submit a Privacy Act request. The three searches combined also located the 192 type 3 procedures in 88 of 192 searched department and agency web sites.

Of the 192 total type 3 procedures located, only 19% (37/192) contain minimal information for submission. Of the 192 total type 3 procedures located, 13% (24/192) are federal guidance procedures and 68% (130/192) do not include enough information for submission or
the procedures contain the wrong contact information. Also from the totals presented in the bottom row and the total sites searched of agency web sites, USA.gov, and Google.com searches (i.e. 64 sites per search for 192 sites searched), type 3 procedures that contain enough information to submit were only located in 17% (32/192) of the total sites searched.

**Key Issues.**

1. Eighty-one percent (155/192) of total located type 3 procedures from the three searches do not include enough information to submit.

2. Sixty-four percent of sites with located type 3 procedures (56/88) do not include enough information to submit.

3. Thirty-nine percent of total sites with type 3 procedures (75/192) do not include enough information to submit.

4. Twenty-nine percent (55/192) of total sites with type 3 procedures include the wrong contact information to submit.

5. Type 3 procedures that include enough information to submit were only located in 17% (32/192) of the total sites searched.

**Recommendations.** Of the 192 type 3 procedures located by the three study searches, only 37 (19%) contained minimal requirements for submission. The remaining 63% (i.e. 155/192) of procedures that do not contain minimal requirements for procedures decrease the effectiveness and efficiency of information dissemination of privacy related information through department and agency web sites. Departments and agencies should develop and post to their web sites site-specific type 3 procedures that contain complete requirements needed by individuals for submission of Privacy Act requests.

Minimal requirements, however, do not necessarily equate with success of submissions. Searches through department and agency that produce procedures from other departments and agencies also decrease the effectiveness of locating relevant site-specific procedures. To improve searches for relevant privacy related information in web sites, departments and agencies should create dedicated space in their web sites to post their type 3 guidance procedures, and other privacy related information resources. A dedicated Privacy Act web presence will increase the effectiveness of an individual’s information seeking efforts to obtain information related to submitting Privacy Act requests. A dedicated privacy area of department/agency web sites will decrease the number of search hits that provide links to procedures that do not contain enough
information or that do not contain relevant information that individuals need to successfully submit Privacy Act requests.

In addition to site-specific type 3 procedures posted to their sites in dedicated areas of their web sites, departments/agencies should also post information about the Privacy Act and information specific to how each department/agency responds to requests. Aggregating all privacy related information in a single dedicated privacy area of their web sites will increase the effectiveness and efficiency of how individuals locate and use privacy related information available through federal agency web sites.

**Summary of the Analysis of Privacy Act Request Results**

The *Privacy Act* request method provides measures based on the potential for submission of located type 3 guidance procedures. Based on identified subcategories of type 3 procedures as presented in table 6.3, located type 3 procedures that are not specific to a department or agency search may not provide relevant submission information to individuals. Since many of the type 3 procedures located in departments and agencies are not specific to the department or agency searched, information contained in the non-relevant procedures may confuse individuals who are attempting to locate relevant information and could cause individuals to submit Privacy Act requests to the wrong department or agency. For submission purposes, individuals need to locate type 3 procedures that contain information relevant to the department or agency searched.

Based on minimum requirements for submission as presented in figure 6.4 and the relevancy of located type 3 procedures to specific departments and agencies (table 6.3), Google.com and USA.gov were more effective at locating type 3 procedures (i.e. 28% and 19% respectively) than agency web site searches (14%). Agency web site searches, however, located the highest total number of type 3 procedures.

Overall, only 19% (37/192) of total located type 3 procedures from the three searches meet minimal requirements for submission. Of the remaining type 3 procedures, 13% (24/192) are federal guidance procedures, 39% (75/192) do not contain enough information for submission, and 29% (55/192) include the wrong contact information for submission. The categories presented above also represent the total number of procedures identified by subcategories as not containing relevant information for submission as presented in table 6.3.
Based on the summary above, the web content review analysis identified issues related to types of guidance procedures located through agency web site, USA.gov, and Google.com searches of the study sample’s 64 sites that include:

1. Fifty-nine percent (20/34) of procedures located in departments for the agency web site search are not department specific, 32% of USA.gov located department procedures (6/19) are not department specific, and 45% of Google.com located department procedures (13/29) are not department specific.

2. Seventy-four percent (39/53) of procedures located in agencies for the agency web site search are not agency specific, 32% of USA.gov located agency procedures (6/19) are not agency specific, and 45% of Google.com located agency procedures (13/29) are not agency specific.

3. Eighty-one percent (155/192) of total located type 3 procedures from the three searches do not include enough information to submit.

4. Sixty-four percent of sites with located type 3 procedures (56/88) do not include enough information to submit.

5. Thirty-nine percent of total sites with type 3 procedures (75/192) do not include enough information to submit.

6. Twenty-nine percent (55/192) of total sites with type 3 procedures include the wrong contact information to submit.

7. Type 3 procedures that include enough information to submit were only located in 17% (32/192) of the total sites searched.

The issues above indicate that most located type 3 procedures do not contain enough information to submit.

To address the issues, departments and agencies should develop and post to their web sites site-specific type 3 procedures that contain complete requirements needed by individuals for submission of Privacy Act requests. To improve searches for relevant privacy related information in web sites, departments and agencies should create dedicated space in their web sites to post their type 3 guidance procedures, and other privacy related information resources.

In addition to site-specific type 3 procedures posted to their sites in dedicated areas of their web sites, departments/agencies should also post information about the Privacy Act and information specific to how each department/agency responds to requests. Aggregating all
privacy related information in a single dedicated privacy area of all federal web sites will increase the effectiveness and efficiency of how individuals locate and use privacy related information available through federal agency web sites.
ANALYSIS OF SUBMITTED PRIVACY ACT REQUEST RESULTS

Introduction

The purpose of submitting requests to departments is to obtain data related to how departments and/or agencies respond to actual submitted Privacy Act requests and to obtain information related to the actual time in workdays it takes agencies to respond to a request. For the actual submission process, the researcher submitted 10 requests to selected departments that potentially have, or whose agencies potentially have Privacy Act records that contain the researcher’s personal information.

The researcher submitted the 10 requests on October 5, 2008. As of December 16, 2008, seven departments and/or agencies have responded to the requests and three departments have not responded to the initial requests or to follow-up calls to check on the status of the requests.

Privacy Act Request Response Times

Recommended or department/agency identified times of response located in type 3 procedures include one or more of the following time spans that include:

- Agency notifies requestor of received request in 3-5 work days;
- Agency notifies requestor of received request in 10 work days;
- Agency requires up to 20 additional work days for response to request; and
- Agency may respond that it requires a 10-day extension (or longer as specified) to complete request.

The first bullet above is a department indicated response time.

Bullets 2-4 above are all required FOIA request response times which some department and agencies report as Privacy Act response times, i.e. some departments and agencies indicate that their policy is to follow FOIA request response times for Privacy Act requests. Others do not indicate any response times. In addition, some departments and agencies report that responses to FOIA and Privacy Act requests will take longer than usual due to added security procedures.

Analysis of Privacy Act Request Response Times. Table 6.5 below provides an overview of response times in workdays from the six departments/agencies that responded to requests. Column 1 reports the total number of workdays from the submission date (i.e. October 5, 2008) until the department/agency reported date of receipt of the request (if available as
supplied by the department or agency). Six of the seven initial response letters included the initial submission receipt date in the letter, i.e. the department from row 4 did not include a date of receipt in the initial response back to the request.

Table 6.5. Provides an overview of response events by number of workdays

<table>
<thead>
<tr>
<th>Overview of Response Events by Number of Work Days</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total # Workdays From Submission Date Until Reported Receipt of Request</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Total # Workdays From Reported Date of Receipt to Reported Response Back Date</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Total # Workdays From Reported Response Back Date to Date Response Received from Departments</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Total # Workdays Until Second Response Back Date</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>1. USDA</td>
<td>No Response</td>
<td>10</td>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td>2. ED</td>
<td>7</td>
<td>3</td>
<td>2</td>
<td>10</td>
</tr>
<tr>
<td>3. DOE</td>
<td>9</td>
<td>1</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>4. HHS</td>
<td>*D/K</td>
<td>**11</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>5. DHS</td>
<td>34</td>
<td>4</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>6. HUD</td>
<td>No Response</td>
<td>4</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>7. DOJ</td>
<td>21</td>
<td>3</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>8. DOL</td>
<td>No Response</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>9. DOI</td>
<td>15</td>
<td>5</td>
<td>2</td>
<td>14</td>
</tr>
<tr>
<td>10. DOT</td>
<td>5</td>
<td>3</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

* D/K – Department did not report date of receipt of initial request  
** - Actual days from submission date until department reported response date

Column 2 reports the total number of work days from the receipt date until the department/agency reported response back dates. All seven departments/agencies initial response letters included a date of response back to the submitter of the request. Actual response-back dates for rows 2-3, 5, 7, and 9-10 range from 1-5 days after receipt of requests. These six responses fall within the FOIA initial 10-day department/agency receipt to response requirement.

Note row four. The 11 workdays reported here include work days from actual submission date (October 5, 2008) until department reported response-back date. The 11 days from mail-out to the department until the department responded include mail delivery workdays to reach the department. As such, the response back for this agency would also fall within FOIA’s initial 10-
day department/agency receipt to response requirement. Column 3 reports the total number of
days from department/agency reported response to receipt by the requester of the response. The
range in workdays for column 3 is 1-5 days.

Column 4 reports time in workdays from requester receipt of initial response from
departments/agencies until time in workdays of requester receipt of a second response. One
agency (row 2) responded with a second letter 10 days following receipt of the initial letter from
the agency’s department, i.e. the department sent the first response and a departmental agency
sent a follow-up response. One department (row 3) called four workdays after receipt of the first
response letter and left a message for the requester to return the call. A third department (row 9)
sent a response letter 14 days after initial receipt.

Two of these departments were seeking additional information to continue searches (rows
2-3). The third department (row 9) responded with a second letter to the requestor that the
department closed the case as no relevant request information was located. The response that the
agency closed the case occurred 14 days after the initial response that the department had
received the request and falls within FOIA’s 20 days to provide results to a requestor.

**Key Findings.**
1. Seventy percent (7/10) of the departments responded to the Privacy Act requests.
2. Response days from receipt of request by the department to response that a department
   received a request ranged from 1-5 workdays.

**Key Issues.**
1. Thirty percent (3/10) of the departments did not respond to the Privacy Act requests in
   the same manner as the seven that did respond.
2. There is no mandated Privacy Act reporting requirements to direct departments’ response
to requests although a number of federal guides, departments, and other sources
recommend that departments follow FOIA reporting requirements.
3. With no mandatory reporting requirements, individuals that submit Privacy Act requests
to departments that do not follow FOIA reporting guidelines have no sense of when to
expect a response.

**Recommendations.** Privacy act statutes do not include any required agency reporting
time related to Privacy Act requests. Federal guidelines, the *Department of Justice Overview of
the Privacy Act of 1974*, and several department and agency web sites report that agencies should
follow FOIA guidelines on reporting times back to individuals who make requests for information.

Similar to FOIA, Congress should mandate Privacy Act response requirements for departments and agencies to follow related to response time to Privacy Act requests. Mandated requirements provide schedules that provide basic information for individuals on when the individuals should expect a response from an agency. Mandated requirements also provide incentives for departments and agencies to conduct searches for requested information and to provide responses back to individuals.

In addition, Congress should mandate reporting of response times as part of an annual report on Privacy Act requests. Mandated annual FOIA response related reports already include Privacy Act requests as part of the reporting process; however, FOIA reports to not separate Privacy Act requests in the reports from FOIA requests. As part of the mandated annual reporting process, Congress should also require that agencies report Privacy Act request statistics separately from FOIA requests statistics.

Information Contained in Privacy Act Request Letters

Content information from department and agency response letters describe the original contact position title for the 10 submitted requests, the content of six initial department/agency response letters, and the content of one department’s and one agency’s second responses.

Analysis of Information Contained in Privacy Act Request Letters. Table 6.6 below provides aggregated submission results of the ten submitted requests to departments. Data collection results provide information related to how departments and/or agencies categorize the response (i.e. column 3, Privacy Act or FOIA responses) and actions departments and/or agencies include in responses (i.e. column 5).

Column 1 (below) lists department supplied contact position titles for the 10 submitted requests of the study. The contact position titles include three FOIA officers, three Information Officers with one designated as an Information Management Officer, three Privacy Officers, and one FOIA/Privacy Act contact. Columns 2-5 describe the responses from each of the 10 submitted requests and the content of six initial department/agency response letters. Columns 6-7 describe the content of one department and two agency second responses.
Table 6.6. Provides general information related to submitted requests to departments

<table>
<thead>
<tr>
<th></th>
<th>Department Supplied “Submit to” Information:</th>
<th>Initial Response From:</th>
<th>Privacy Act or FOIA Response</th>
<th>Response Mentions Privacy Act Request</th>
<th>Actions of Department or Agency</th>
<th>Second Response From:</th>
<th>Actions of Department or Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>USDA FOIA Officer</td>
<td>Phone call</td>
<td></td>
<td></td>
<td>Backlog of requests</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>ED Information Management Officer</td>
<td>Information Management Officer</td>
<td>FOIA Request</td>
<td>No</td>
<td>Assigned FOIA Control Number</td>
<td>Agency Privacy Act Officer</td>
<td>Did not receive copy of request; send more Information</td>
</tr>
<tr>
<td>3.</td>
<td>DOE FOIA Officer</td>
<td>Information Resources Officer</td>
<td>Privacy Act Request</td>
<td>Yes</td>
<td>Assigned FOIA Control Number</td>
<td>Response from Department; Unknown Position Title</td>
<td>Phone message from agency to call them back. No answer for two callback attempts.</td>
</tr>
<tr>
<td>4.</td>
<td>HHS Privacy Officer</td>
<td>Director, FOI/Privacy Act Division</td>
<td>FOIA Request</td>
<td>No</td>
<td>Closed File; no files match request</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>DHS FOIA Officer</td>
<td>Associate Director, Disclosure &amp; FOIA Operations</td>
<td>Privacy Act Request</td>
<td>Yes</td>
<td>Do not collect requested information</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>HUD Privacy Act Officer</td>
<td>Phone call</td>
<td></td>
<td></td>
<td>Backlog of requests</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>DOJ Information Officer</td>
<td>Chief of Staff, Information and Privacy Office</td>
<td>FOIA Request</td>
<td>Yes</td>
<td>Closed File; no files match requests</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>DOL Information Officer</td>
<td>Phone call</td>
<td></td>
<td></td>
<td>Backlog of requests</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>DOI Privacy Officer</td>
<td>FOIA Officer</td>
<td>Privacy Act Request</td>
<td>Yes</td>
<td>Forwarded request to FOIA Officer</td>
<td>Chief, Office of Law Enforcem ent</td>
<td>Closed file; no information located per original request</td>
</tr>
<tr>
<td>10.</td>
<td>DOT FOIA/Privacy Act Contact</td>
<td>FOIA Officer</td>
<td>FOIA request</td>
<td>No</td>
<td>Processing</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Submissions that originally received a *No Response* at 60 working days from the original mail date appear in rows 1, 6, and 8 of column 2. Phone calls to these agencies reveal they have backlogs and are processing the requests. Of note, Privacy Act statutes do not include any agency required or recommended response or reporting times for Privacy Act requests. Some departments and agencies, however, report that they follow FOIA guidelines for responses and fulfillment of requests.

Column 3 provides information related to how department’s categorize the initial requests (i.e. the category appears as a memo note or some other kind of header in the letter). Of the seven departments/agencies that initially responded, four categorized the initial request as FOIA requests and three as Privacy Act requests. Of the four categorized as FOIA requests, only one letter referenced the original Privacy Act request (column 4). The other three letters did not mention the original Privacy Act request.

**Key Findings.**

1. Seventy percent (7/10) of the departments responded to the Privacy Act requests.
2. Response days from receipt of request by the department to response that a department received a request ranged from 1-5 workdays.
3. The department provided Privacy Act contact titles for the ten Privacy Act requests include three FOIA officers, three Information Officers with one designated as an Information Management Officer, three Privacy Officers, and one FOIA/Privacy Act contact.

**Key Issues.**

1. Four of the seven departments that responded to requests categorized the initial Privacy Act request as a FOIA request.
2. Three of the four departments that categorized the initial Privacy Act request as a FOIA request did not mention privacy anywhere in the response letter.
3. No type 3 department procedure for submitted requests explained a relationship between Privacy Act requests and FOIA in the procedure.

**Recommendations.** Overall, 70% of departments and/or agencies responded back to the original Privacy Act request. Four departments and/or agencies categorized the original Privacy Act requests as FOIA requests, and of these four, three did not reference the Privacy Act request anywhere in the content of the response letter.
By not mentioning the original Privacy Act request or referencing the original request in the body of the letter, these departments/agencies may confuse users who anticipate responses back to their original Privacy Act request. In addition, without references to the original Privacy Act request and no mention of Privacy Act in the letter, there are no indications for individuals that submit requests that departments/agencies are fulfilling the initial Privacy Act request.

No response letters explain the relationship between FOIA and the Privacy Act. Examples of where the response letters relate mandated FOIA requirements to Privacy Act requests include Privacy Act requests mailed to and/or answered by FOIA officers (columns 1 and 2); Privacy Act requests categorized as FOIA requests in response letters (column 3); and Privacy Act requests with assigned FOIA control numbers (see column 5).

Departments and agencies that relate Privacy Act requests to FOIA mandated requirements should provide an explanation of each relationship between FOIA and the Privacy Act for each mandated FOIA requirement that is applied to a Privacy Act requests. These explanations should appear in a dedicated privacy information area of each department and agency web site.

**Summary of Submitted Privacy Act Request Results**

Overall, 70% of sample departments responded back to the original Privacy Act request. Based on phone contact with the remaining sample departments, all three have a backlog of requests, i.e. FOIA and Privacy Act; and all three are continuing with the search process. Analysis of the Privacy Act response times in workdays indicates that all responses to date fall within mandated FOIA response times of first response in 10 working days, requested information in 20 additional working days, and extension response if needed. There are no mandated Privacy Act response statutes for Privacy Act requests; however, some departments and agencies state in their web sites that they follow FOIA guidelines for response.

Of the seven departments that responded, four departments and/or agencies categorized the original Privacy Act requests as FOIA requests; and of these four, three did not reference the Privacy Act anywhere in the content of the response letter. In the initial response, four of the seven indicate either they did not locate requested information or that the department/agency did not collect the type of information requested. Three of the responses from departments indicate they are continuing with the request and searching for records relevant to the request.
In addition to the summary above, the analysis of submitted Privacy Act requests method identified issues related to individuals understanding the response process from departments and agencies. Issues related to responses by departments and agencies to submitted requests include:

1. Thirty percent (3/10) of the departments did not respond to the Privacy Act requests.
2. There is no mandated Privacy Act reporting requirements to direct departments’ response to requests, although a number of federal guides, departments, and other sources recommend that departments follow FOIA reporting requirements.
3. With no mandatory reporting requirements, individuals that submit Privacy Act requests have no sense of when to expect a response.
4. Four of the seven departments that responded to requests categorized the initial Privacy Act request as a FOIA request.
5. Three of the four departments that categorized the initial Privacy Act request as a FOIA request did not mention privacy anywhere in the response letter.
6. No type 3 department procedure for submitted requests explained a relationship between Privacy Act requests and FOIA in the procedure.

These issues identify the need for mandated Privacy Act response times and an understanding of the relationship between FOIA and the Privacy Act in terms of access to agency records.

In terms of the issues above, Privacy Act statutes do not include any required agency reporting time related to Privacy Act requests. Federal guidelines, the Department of Justice Overview of the Privacy Act of 1974, and several department and agency web sites report that agencies should follow FOIA guidelines on reporting times back to individuals who make requests for information.

Similar to FOIA, Congress should mandate Privacy Act response requirements for departments and agencies to follow related to response time to Privacy Act requests. Mandated requirements provide schedules that provide basic information for individuals on when the individuals should expect a response from an agency. Mandated requirements also provide incentives for departments and agencies to conduct searches for requested information and to provide responses back to individuals.

Congress should also mandate that agencies report response times as part of an annual report on Privacy Act requests. Mandated annual FOIA response reports already include Privacy Act requests as part of the reporting process; however, agencies do not report response times for
Privacy Act requests separately from FOIA requests. As part of the mandated annual reporting process, Congress should also require that agencies report Privacy Act requests statistics separately from FOIA requests statistics.

Of the 70% of sampled agencies that responded back to the original Privacy Act request, four categorized the original Privacy Act requests as FOIA requests. Of these four, three did not reference the Privacy Act request anywhere in the content of the response letter. By not mentioning the original Privacy Act request or referencing the original request in the body of the letter, these departments/agencies may confuse users who anticipate responses back to their original Privacy Act request. In addition, without references to the original Privacy Act request and no mention of Privacy Act in the letter, there are no indications for individuals that submit requests that departments/agencies are fulfilling the initial Privacy Act request.

No response letters explain the relationship between FOIA and the Privacy Act. Departments and agencies that relate Privacy Act requests to FOIA mandated requirements should provide an explanation of each relationship between FOIA and the Privacy Act for each mandated FOIA requirement that is applied to a Privacy Act requests. These explanations should appear in a dedicated privacy information area of each department and agency web site.
ANALYSIS OF REQUIREMENTS OF REQUEST PROCEDURES

Introduction

The agency web site search located 87 type 3 procedures in 40 of the sample’s 64 department and agency sites. Of these, 75 were specific to the agency searched, i.e. provide information specifically related to the agency. The researcher used these 75 procedures to collect descriptive submission elements. In addition to descriptive elements collected from department and agency web site searches, the researcher collected descriptive elements from four non-agency sources of type 3 procedures located through departments and agencies. The four non-agency sources selected for inclusion in this chapter include:

- Text of the Privacy Act of 1974;
- Department of Justice provided Overview of the Privacy Act of 1974 (DOJ Overview);
- Your Right to Federal Records; and

This chapter presents descriptive elements by source above.

For agencies, the researcher aggregated the descriptive elements into categories. No category of descriptive elements represents any single department or agency’s requirements or suggestions for submission. In addition, each listed item may represent a single element collected from multiple type 3 procedures located in multiple departments and/or agencies, i.e. single elements are not necessarily from a single department or agency’s type 3 procedure.

Agency Information and Personal Information

Figure 6.7 below presents descriptive elements by categories of Agency Information and Personal Information. Of the five sources of descriptive elements presented in the Agency Information category, only departments and agencies provide information to individuals related to mailing information, i.e. agency information. Individuals must go to specific department or agency web sites to obtain addresses and contact information (i.e. individual’s name or office).

Analysis of Agency Information and Personal Information. For Personal Information, the Citizen’s Guide and Your Rights to Federal Records provide recommendations that individual’s include their name, address, and telephone number in requests. The remaining
elements presented under personal information are department or agency requirements. The social security number is typically associated with records that may contain an individual’s financial information; however, some departments and agencies (i.e. primarily those with security responsibilities) require the use of social security numbers as aides to locating records.

Table 6.7. Aggregated descriptive elements of agency contact and personal information

<table>
<thead>
<tr>
<th>Aggregated Descriptive Elements of Agency Contact and Personal Information</th>
<th>Department and Agency Requirements</th>
<th>Privacy Act of 1974</th>
<th>DOJ Overview</th>
<th>Citizens Guide</th>
<th>Your Right to Federal Records</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agency Information:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agency contact</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agency name</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agency address</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agency Phone #</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agency Fax #</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agency email</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Personal Information:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Former addresses</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Telephone number</td>
<td>X</td>
<td></td>
<td>X</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Fax</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Email optional</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State you are a U.S. citizen</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Birth date (required/optional)</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Birth place (required/optional)</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Social security number (required/optional)</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Passport number</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Key Finding and Issue.** Individuals must go to specific departments or agencies to locate contact and mailing information related to submitting a request, which are at times difficult to locate.
**Recommendations.** Departments and agencies should include a dedicated privacy information site as part of their web sites. The site should include up to date contact information and procedures for requesting information that include lists of all personal information requirements.

**Personal Identification and Submission Information**

Table 6.8 below presents descriptive elements by categories that include *Personal Identification* and *Submission Information* (actions individuals take to submit requests).

<table>
<thead>
<tr>
<th>Aggregated Descriptive Elements of Personal Identification and Submission Information</th>
<th>Department and Agency Requirements</th>
<th>Privacy Act of 1974</th>
<th>DOJ Overview</th>
<th>Citizens Guide</th>
<th>Your Right to Federal Records</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Personal Identification:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agencies define reasonable requirements for identifying individual</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Verify identity</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proof of identity required 1 type</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proof of identity required 2 types</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proof of identity required (specific) – 1 photo ID</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Proof of identity required (specific) – 2 photo IDs</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proof of Identity required (specific) – 2 IDs w/current home address and DOB</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Signature</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Notarized signature</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Notarized statement and date confirming Identity (declaration under penalty of perjury)</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td><strong>Submission Information:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Written request (letter)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Mail/In person</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fax</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Online form</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mark envelope “Privacy Act Request”</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>“Privacy Act Request” in letter</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Follow FOIA guidelines</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Send to FOIA address</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Analysis of Personal Identification and Submission Information. Under Personal Identification, three sources explain that agencies will define reasonable requirements for identifying individuals, i.e. the Privacy Act of 1974, the DOJ Overview of the Privacy Act of 1974, and the Citizen’s Guide. Also of note under Personal Identification are the disparate requirements related to proof of identity and individual’s signature.

Note under Submission Information that all five sources indicate required written request for submission of a Privacy Act request. FOIA requests are submitted using online forms. Also, note that some department and agency requirements include follow FOIA guidelines and send to FOIA address. No references to FOIA from located Privacy Act resources during the course of this study explain any relationships between FOIA and the Privacy Act other than to suggest that individuals follow FOIA guidelines or mail Privacy Act requests to department or agency FOIA contact addresses and officers.

Key Findings and Issues.

1. Privacy Act requests are written letters (mailed or faxed) where FOIA requests require the use of online forms.
2. References to departments or agencies following FOIA guidelines, which include electronic submission requirements, can create conflicts between Privacy Act and FOIA requirements.

Recommendation. References to FOIA in terms of Privacy Act request are problematic in that none of the sources listed in this section, or any of the located resources of this study provide explanations of this relationship. Applying FOIA mandated requirements to the Privacy Act creates issues for individuals, such as:

- Privacy Act requirements include mailing/faxing/delivery in person of the requests where FOIA requires using an online submission form;
- Privacy Act requirements include proof of identity, i.e. copies of IDs and FOIA does not require photocopied IDs;
- FOIA has mandated response reporting requirements where the Privacy Act does not; and
• FOIA allows agencies to determine how much they charge for copies of records, staff searches for records, and staff review of records where the Privacy Act only allows agencies to charge for copies and mailing costs.

To address these issues in the short term, Congress should mandate that FOIA and Privacy Act requirements remain separate, that OMB develop guidance on how departments and agencies apply requirements of each law, and that every department and agency defer from applying FOIA requirements to Privacy Act implementation, particularly in terms of Privacy Act requests.

Systems of Records Information

Table 6.9. Aggregated descriptive elements of systems of records information

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>System of Records Information:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Identify which agency has records</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ask an agency that might maintain the records</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Specify whether FOIA or PA requests</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Make request under both FOIA and Privacy Act</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Request access to records</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Request to review records</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not required to identify a specific system of records</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Identify system of records</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Identify system of records from Federal Register</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Identify system ID number</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Describe information contained in system of notice</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Describe records as specifically as possible</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Clearly identify records</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Identify date records created</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Identify date range for records</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Identify place records created</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Describe agency data collection as specifically as possible</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Explain why department would have information on you</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Identify which department you believe has information</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Simply ask for all records</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>May request field office file search/central agency files</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
Table 6.9 above presents *Systems of Records Information* descriptive elements collected from the sources presented in this chapter. Each agency collects information in the form of records and stores similar records in a system of records. Agencies are required to report systems of records to Congress and to identify which of the systems are Privacy Act systems of records. Privacy Act defined systems of records contain records that include personal data where agencies electronically retrieve the records by use of a personal identifier.

The Privacy Act requires agencies to post descriptions of identified Privacy Act systems of records in the Federal Register. Agencies refer to posted Privacy Act systems of records in the Federal Register as *privacy issuances*. A search to retrieve a copy of a specific agency system of records includes the department/agency name and the search phrase, *privacy issuances*.

**Analysis of Systems of Records Information.** Systems of records names and/or ID numbers are very difficult to locate through departments, agencies, and the Federal Register. Figure 6.1 below is a screenshot of a search through the Federal Register for 2008 *Department of Education Privacy Issuances*.

Note in figure 6.1 that the search phrase used in *Department of Education Privacy Issuances*. An individual who wants or needs to locate a *Department of Education* Privacy Act system of record from the Federal Register to identify the system of records name, ID, or description would conduct a search as presented above, with results that include:

1. Hit 1: Privacy Act of 1974; Publication of Proposed Compilation of – this is a *Department of Energy*’s announcement of a new system of records.
2. Hit 2: Temporary Agricultural Employment of H-2A Aliens in the United – this is a *Department of the Labor* employment announcement.
3. Hit 3: Temporary Agricultural Employment of H-2A Aliens in the United – this is a repeat hit of #2 above, a *Department of the Labor* employment announcement.
4. Hit 4: Nondiscrimination on the Basis of Disability by Public – this is a *Department of Justice* notice of proposed rulemaking.
Of the four examples above, only one refers to a system of records and it is a post from the Department of Energy and not the searched for Department of Education.

Figure 6.1. Screenshot of a search through the Federal Register

The search above provides an example of the difficulty individuals would have if agencies require them to locate a Privacy Act system of records through the Federal Register. As provided in table 6.9 above, some departments and agencies require that individuals have specific knowledge of systems of records, such as:

- Identify the system of records;
• Identify the system of records from the Federal Register;
• Identify the system ID number;
• Describe information contained in a system of notice; and
• Describe records as specifically as possible.

Individuals not familiar with records of a department or agency would have a difficult time locating systems of records to provide the examples of needed information presented above.

**Key Findings and Issues.**

1. Some departments and agencies require that individuals provide Privacy Act system of records name, ID number, and/or description as part of a Privacy Act request.
2. Any requests from departments or agencies that require individuals to provide a system of records name or ID effectively prevents an individual from accessing records.
3. Requirements that force individuals to search the Federal Register for privacy related information essentially block access for the individuals to agency records.

**Recommendations.** To address the issues above, departments should create dedicated privacy information space in their web sites to provide access to all privacy related information. Departments should create aggregated lists of all systems of records in the privacy area of their web sites to provide access for individuals to the systems. Each system of record should include a name, ID, and full description of the types of information contained in the records with special emphasis on clearly describing record types that contain personal data.

In addition, departments should review their systems of records and identify new Privacy Act systems of records not previously identified as such. Congress should review and revise the Privacy Act definition of systems of records to insure that individuals have access to any records that contain personal data, and not just have access to Privacy Act defined systems of records.

**Request, Contact Person, and Request Response Information**

Table 6.10 below presents descriptive elements by categories that include Costs of Request Information, Contact Person Information (i.e. to whom to write), and Request Response Information (i.e. how agencies respond).
Table 6.10. Aggregated descriptive elements of costs of request information, contact information person, and request response information

<table>
<thead>
<tr>
<th>Aggregated Descriptive Elements of costs of request information, contact information person, and request response information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department and Agency Requirements</td>
</tr>
</tbody>
</table>

**Cost of Request Information:**
- Agencies establish fees to charge individuals for copies of records, excluding cost of any search and review of his record: X X X X
- Include statement of how much willing to pay (maximum amount): X
- Requests constitutes agreement to pay up to $25: X
- Will notify if over $25: X
- Request that agency inform/contact first if fee is more than initial maximum: x X

**Contact Person Information:**
- Write to Privacy Act officer/contact: X X
- Write to FOIA/PA officer/contact: X X
- Write to FOIA officer/contact: X
- Write to agency contact: X
- Write to System Manager: X X
- Write to record information/dissemination section: X
- Write to office of information programs and services: X

**Request Response Information:**
- Agencies must notify an individual if any system of records named by the individual contain records pertaining to him: X X
- Agency may contact individual for additional information: X X
- Under Privacy Act, no required time for agency to respond: X X
- Most agencies adopt FOIA response times: X X
- Agency notifies of received request in 3-5 working days: X
- Agency notifies of received request in 10 working days: X X
- Agency requires up to 20 additional working days for response: X X
- Agency response that a 10 day extension of response is needed: X
- Will send a tracking number for the request: X
- Cite specific exemption if denied and notify of appeal procedures: X X

**Analysis of Request, Contact Person, and Request Response Information.** Under Cost of Request Information (above), all four non-departmental and agency sources state that
agencies establish fees to charge individuals for copies of records, excluding cost of any search and review of his record. In terms of costs of request and as presented in the policy analysis (see chapter 4), the Citizens Guide, Your Right to Federal Records, the DOJ Overview of the Privacy Act of 1974, and many departments and agencies, the standard view is that all agencies should conduct Privacy Act and FOIA searches for any agency record request.

No Privacy Act statutes require agencies to conduct simultaneous FOIA searches when an individual requests access to agency records; however, some departments do state their departmental agencies will conduct both Privacy Act and FOIA searches whenever a request for access to agency records occurs through either law. Although the intent of this practice as stated in the sources listed above is to improve individual’s access to records that contain personal information, no information was located in any web site during this study that explained the relationship between the Privacy Act and FOIA or why agencies conduct searches through both. With no explanation of the relationship between FOIA requirements and Privacy Act requirements, agencies create confusion for individuals when they apply FOIA requirements to Privacy Act requests.

For Privacy Act requests, departments and agencies may only charge individuals the cost of copying and mailing agency records; however, for FOIA requests departments and agencies may charge up to and above the personnel time spent searching for, assessing, copying, and mailing records. None of the located type 3 procedures addresses the dual costs of Privacy Act requests and FOIA requests based on this practice.

Under Agency Information (figure 6.7 above), individuals must go to specific departments and agencies to identify where to send requests as departments and agencies appoint individuals as contacts and determine the titles of individuals who receive requests. Note, however, that under Contact Person Information (figure 6.11 above) the Citizen’s Guide and some departments and agencies list the FOIA Officer as the potential contact individual.

As discussed previously in regards to Submission Information (figure 6.8 above), references to FOIA contacts without explanations of the relationship between FOIA contacts, FOIA requirements, and Privacy Act contacts and requirements create conflicts of understanding for individuals and issues related to meeting Privacy Act mandated requirements.

In the Request Response Information section of figure 6.11, the Citizen’s Guide and Your Rights to Federal Records state: 1) an agency may contact individuals for additional
information; 2) under the Privacy Act, no required time for agency to respond; and 3) most agencies adopt FOIA response times. Some department and agencies do include statements that they adopt FOIA response guidelines without always stating the actual response guidelines. Individuals unfamiliar with FOIA response guidelines will not understand when to expect responses back from the agencies.

**Key Findings and Issues.**

1. Departments and agencies that automatically conduct FOIA searches as a supplement to a Privacy Act requests may impose unexpected costs upon individuals.

2. Departments and agencies that use FOIA contacts as the contact for Privacy Act requests may confuse individual’s understanding of FOIA and the Privacy Act.

3. No located privacy information resources provide an overview of how departments and agencies apply both FOIA and the Privacy Act for any request by individuals for agency records.

4. No located privacy information resource provide an overview for individuals on how agencies implement both FOIA and the Privacy Act requirements for any requests for agency records and how the implementation may affect individuals making the requests.

**Recommendations.** The standard view from Privacy Act resources (see above) is that all departments and agencies should conduct both Privacy Act and FOIA searches for any request for government information. No privacy related resources, however, specifically address how departments and agencies apply this process or the potential affects of this approach, such as:

- Costs to individuals when requests are processed under FOIA and the Privacy Act;
- Costs to departments and agencies in simultaneously conducting FOIA and Privacy Act requests for agency records;
- Individuals’ understanding of how to request agency records under the Privacy Act when they see references to FOIA in Privacy Act request procedures;
- Individuals’ understanding of how agencies respond to Privacy Act request when FOIA is mentioned as part of the process; and
- Who to contact to make requests when individuals see FOIA contacts for Privacy Act requests.
Departments and agencies that automatically conduct FOIA searches as a supplement to a Privacy Act requests may create confusion for individuals and disseminate disinformation related to how departments and agencies conduct FOIA and Privacy Act searches.

FOIA and the Privacy Act have specific mandated requirements for department and agency implementation practices. Applying requirements of both to a search can create conflicts as to when requirements of either law apply. With no coordinating guidelines for departments and agencies to follow in simultaneously implementing FOIA and the Privacy Act for any request for agency records, departments and agencies may not fully implement the requirements of either law. In addition, individuals will not know how agencies respond to requests.

The issue of the relationship between the Privacy Act and FOIA has appeared in a number of sections of this study. As currently practiced, a lack of requirements for how departments and agencies respond to Privacy Act requests has led to the adoption of some FOIA requirements to fill the void. Adopted FOIA requirements for Privacy Act requests include FOIA response times, utilizing FOIA contact personnel, use of the FOIA control number for Privacy Act requests, and the application of FOIA requirements and procedures to conduct Privacy Act defined searches for agency records.

Borrowing requirements from FOIA to implement Privacy Act requests for agency records is at best a stopgap measure. The process of conducting FOIA and Privacy Act searches for each agency record request does not include the provision of complete and accurate information to individuals on how the Privacy Act request process functions in departments and agencies. In addition, lack of the provision of complete and accurate information to individuals diminishes transparency in government for individuals. To address issues presented above, Congress should review Privacy Act statutes and revise the act to address specific issues such as costs of requests to individuals, the provision of Privacy Act contacts in departments and agencies, and standardized department and agency procedures on how agencies respond to and address Privacy Act requests.

**Summary of Request Procedure Requirements**

The analysis of requirements of request procedures compares collected submission elements from department and agency web site searches to four selected non-department or agency sources that provide information to individuals on how to submit Privacy Act requests.
The aggregated lists provide an overview of what agencies require for inclusion in Privacy Act requests and how agencies respond to requests compared to what non-department or agency sources require or recommend for inclusion of a request.

In addition to the summary above, the analysis of requirements of request procedures identified issues related to individuals understanding how to submit requests and how agencies respond to requests that include:

1. Individuals must go to specific departments or agencies to locate contact and mailing information related to submitting a request, which is at times difficult to locate.
2. Privacy Act requests are written letters (mailed or faxed) where FOIA requests require the use of online forms.
3. References to departments or agencies following FOIA guidelines, which include electronic submission requirements, can create conflicts between Privacy Act and FOIA requirements.
4. Some departments and agencies require that individuals provide Privacy Act system of records name, ID number, and/or description as part of a Privacy Act request.
5. Any requests from departments or agencies that require individuals to provide a system of records name or ID effectively prevents an individual from accessing records.
6. Requirements that force individuals to search the Federal Register for privacy related information essentially block access for the individuals to agency records.
7. Departments and agencies that automatically conduct FOIA searches as a supplement to a Privacy Act requests may impose unexpected costs upon individuals.
8. Departments and agencies that use FOIA contacts as the contact for Privacy Act requests may confuse individual’s understanding of FOIA and the Privacy Act.
9. No located privacy information resources provide an overview of how departments and agencies apply both FOIA and the Privacy Act for any request by individuals for agency records.
10. No located privacy information resource provide an overview for individuals on how agencies implement both FOIA and the Privacy Act requirements for any requests for agency records and how the implementation may affect individuals making the requests.

The issues identified above specifically relate to how individuals’ understand the Privacy Act submission process and how agencies respond to requests.
Chapter Summary

Chapter 6 provides an analysis of the detailed results of data collection efforts to locate type 3 guidance procedures in federal agency web sites. The data collection efforts include searches through agency web sites where searches begin at the home page of sample departments and agencies, and searches conducted through the USA.gov and Google.com search sites.

Each data collection effort utilized an iterative, multi-method approach to explore the study’s 64 sample department and agency web sites. The multi-method approach includes a usability study to collect metrics relative to locating type 3 procedures in the sample sites, a Web-content review to assess located procedures, and a Privacy Act request assessment to determine whether located procedures contain enough information for submission. In addition, data results collected from submitted Privacy Act requests and collected request requirements (i.e. descriptive elements of type 3 procedures) are included in the analysis process.

For agency web site searches, the web content review identified the types of procedures (i.e. types 1-3) located in departments and agencies from agency web site, USA.gov, and Google.com searches. The Privacy Act request method provides measures based on the potential for submission of located type 3 guidance procedures.

Table 6.11. Total located type 3 procedures and total submissable procedures by search

<table>
<thead>
<tr>
<th>Total Located Procedures and Submissable Procedures by Search</th>
<th>Agency Web Site Searches</th>
<th>USA.gov Searches</th>
<th>Google.com Searches</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Located Type 1-3 Procedures/Sites with Procedures (Web Content Review)</td>
<td>176/51</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>2 Located Type 3 Procedures/Sites with Procedures (Web Content Review)</td>
<td>87/40</td>
<td>47/21</td>
<td>58/27</td>
</tr>
<tr>
<td>3 Submissable Type 3 Procedures/Sites with Procedures (Privacy Act Request Assessment)</td>
<td>12/40</td>
<td>8/21</td>
<td>12/27</td>
</tr>
</tbody>
</table>
Table 6.11 above presents a comparison of results for agency web site, USA.gov, and Google.com searches by web content review and Privacy Act request results. The web content review method provides an assessment of the types of procedures located and the Privacy Act request method provides an assessment of the potential for submission of located type 3 procedures. As shown below, procedures were not located in all 64 of the study’s sample sites for the three searches and relatively few were located in search sites.

The Privacy Act request method also includes an analysis of why located type 3 procedures do not contain enough information that individuals need to submit requests. For all agency web site, USA.gov, and Google.com searches, 192 type 3 procedures were located in 192 department and agency web sites (i.e. 64 total sites per search approach sums to 192 total search sites). Of these 192 located type 3 procedures, 16% (30/192) contain enough minimum information for submission, 39% (75/192) do not contain enough information for submission, and 29% (55/192) include the wrong contact information for submission. The remaining 32 type 3 procedures (17%) are federal information guides that provide information on how to submit Privacy Act requests.

This chapter also presents an analysis of data collected from submitted Privacy Act requests relative to total responses from departments, response times in workdays compared to FOIA mandated response times, and content of department/agency response letters. The researcher submitted Privacy Act requests to 10 departments and received responses back from seven. All seven times of response (i.e. time in workdays from receipt by departments/agencies of request to response by departments and agencies back to requestor) fall within FOIA mandated response times for departments and agencies.

The analysis of information contained in response letters from departments and agencies indicates a lack of response procedures applied across the seven departments and agencies. Some of the responses are FOIA related and include FOIA Control Numbers and some do not contain a control number. For the seven initial response letters, four indicate that the response is to a FOIA request and three indicate the response is to a Privacy Act request. Of the four that indicate the response is to a FOIA request, three do not refer to the original Privacy Act request in the response letter. Of the four responses identified in the letters as FOIA requests, three of the departments/agencies indicate that they did not locate requested information and one department responded that the do not collect the type of information requested. Three of the responses from
departments indicate they are continuing with the Privacy Act request and searching for relevant records.

The analysis of requirements of request procedures compares collected submission elements from department and agency web site searches to four selected non-department or agency sources that provide information to individuals on how to submit Privacy Act requests. The aggregated lists provide an overview of what agencies require for inclusion in Privacy Act requests and how agencies respond to requests compared to what non-department or agency sources require or recommend for inclusion of a request.

The analysis of all data collection efforts also identified key findings and issues specific to the results of each data collection method. In addition, the analysis of all data collection efforts includes recommendations that address key findings and issues and provide a summary of each section. Aggregated issues and recommendations presented in this chapter appear in each method’s summary section and are specific to the analysis of results collected by each method.

This chapter summary also provides an overview of the issues by broader areas of application that include:

1. There are no mandated procedures for all departments and agencies to follow in presenting information related to how agencies respond to Privacy Act requests or how agencies provide information to individuals on how to submit a request. With no mandated procedures that apply across departments and agencies, individuals face issues related to obtaining information about the Privacy Act request process and access to agency records. Issues directly associated with a lack of mandated procedures for all departments and agencies includes:
   a. Disparity of information presented to individuals about the Privacy Act request process between departments and departmental agencies;
   b. Disparity of information presented to individuals about the Privacy Act request process across departments;
   c. Disparity of information presented to individuals about the Privacy Act request process from non-department or agency provided guidance procedures;
   d. Allows departments and agencies to post multiple procedures related to how agencies respond to requests and how individuals submit requests where posted procedures may lack complete agency response and individual submission information; and
e. Allows some departments and agencies to set requirements (i.e. require individuals to name systems of records or locate the systems of records in the *Federal Register*). These requirements can create Privacy Act related barriers to disclosure (i.e. also referenced as notice) of how agencies protect personal information, access to records that contain personal information, and amendment to records that contain personal information.

2. There are no mandated Privacy Act request information delivery processes in place that require clearly identified and dedicated web space across departments and agencies for all information related to Privacy Act requests. Issues directly associated with a lack of mandated procedures for clearly identified and dedicated web space for all departments and agencies include:
   a. Affects the search process where searches specific to Privacy Act of 1974 information locate FOIA annual reports; other laws such as FERPA; information related to Privacy Act systems of notice and privacy impact assessments; and other non-Privacy Act request related information;
   b. Affects individuals’ ability to locate procedures that provide information about how to submit requests;
   c. Affects individuals’ ability to locate information related to how agencies disseminate information related to responses to request; and
   d. Affects individuals’ ability to appeal denied requests to amend personal information contained in agency records.

3. Very little information is available for individuals that explain the relationship between FOIA requirements and Privacy Act requirements and how this relationship, as applied independently by departments and agencies affect the Privacy Act request process.

A discussion of the identified issues above and their implications for the Privacy Act request process occurs in chapter 7, *Conclusions: Assessment of Study Findings, Approach, Methodology, Recommendations, and Future Research.*
CHAPTER 7
CONCLUSION: IMPLICATIONS OF STUDY FINDINGS, APPROACH, METHODOLOGY, RECOMMENDATIONS, AND FUTURE RESEARCH

This chapter offers an analysis of study findings to understand how issues related to implementation of the Privacy Act affect access to agency records through agency web sites. This chapter also provides an analysis of the study’s approach and methodology. In addition, this chapter provides recommendations for policy makers, federal agencies, and individuals capable of improving access to agency records through agency web sites and suggestions for future privacy information related research efforts.

Implications of Study Findings

As presented in chapters 4-6, data analysis results include key findings, key issues, and suggested recommendations that specifically address identified Privacy Act access related issues. Each chapter presents these key findings, issues, and recommendations by data collection method. In addition, each chapter summary identifies broader-based issues that affect how agencies implement Privacy Act statutes.

Analysis of these issues by broader application determines the effectiveness of Privacy Act statutes in affording protections for individuals’ personal data and the capacity of agencies to implement Privacy Act statutes. These broader issues include:

6. The Privacy Act remains virtually unchanged since 1988 yet the information policy environment has changed dramatically from direct contact with agencies to the electronic delivery of government information services and resources through agency web sites referred to as E-Government.

7. There are no mandated Privacy Act statutes that require clearly identified and dedicated web space across departments and agencies for posting all Privacy Act related information resources.

8. Privacy Act statutes do not adequately provide protections of individuals’ personal information as intended by Congress.
9. There are no mandated procedures for all departments and agencies to follow in presenting information related to how agencies respond to Privacy Act requests or how agencies provide information to individuals on how to submit a request.

10. Very little information is available for individuals that explain the relationship between FOIA requirements and Privacy Act requirements and how this relationship as applied independently by departments and agencies affect the Privacy Act request process.

Analysis of each of the issues above occurs by issue below.

1. The Privacy Act and E-Government

The Privacy Act has remained virtually unchanged since 1988. The only significant amendments to the Privacy Act of 1974 occurred in 1988 with the passage of the Computer Matching Privacy Protection Act (CMPPA) when Congress addressed fears that shared electronic records would diminish privacy protections. Since 1988, a number of laws have made minor amendments to the Privacy Act; however, these amendments have not created any major changes to the law.

The policy analysis presents the Privacy Act as part of a broader, federal information policy environment that includes analysis of how agencies apply selected Privacy Act statutes in this broader environment. Statutes of laws such as the Paperwork Reduction Act (PRA), the Clinger-Cohen Act, the Electronic Freedom of Information Act (E-FOIA), the Government Paperwork Elimination Act (GPEA), and the E-Government Act have created an electronic, information-access policy environment referred to as E-Government where individuals increasingly interact with government agencies for access to government services and resources through federal web sites.

Based on policy analysis results, the Privacy Act does not promote individuals’ interaction for privacy related information through agency web sites. Privacy Act statutes promote paper-based access for individuals to privacy related information; however, the statutes do not promote electronic access to agency records. Privacy Act statutes do not require that agencies establish and implement management practices for electronic access to Privacy Act related information resources through agency web sites or promote the interoperable and standardized presentation of Privacy Act mandated protections and information across agencies of the federal government. In addition, Privacy Act statutes do not include or promote a broad
framework of measures that require using Internet-based information technology to enhance individuals’ access to privacy related government information and services.

The evolution of the electronic environment towards E-Government and increased electronic delivery of government information via the Internet has to a degree left the Privacy Act behind, specifically in terms of access for individuals to agency records. With the exception of CMPPA provided amendments to the Privacy Act in 1988 to improve oversight and disclosure procedures related to computer matching programs, Privacy Act statutes have remained virtually unchanged over the past 30 years.

E-Government promotes the electronic interaction between individuals and government services and resources, i.e. government information. Privacy Act statutes, however, do not mandate that agencies provide electronic access to agency records. By not providing electronic access, agencies limit individual’s access to agency records through their web sites.

2. Dedicated Privacy Act Web Space

There are no mandated Privacy Act statutes that require clearly identified and dedicated web space across departments and agencies for posting all Privacy Act related resources, such as information about Privacy Act protections, OMB memos to agencies, Executive orders, privacy related reports to Congress, and other privacy related documents. In terms of access to privacy information, OMB and departmental agencies are required to post Privacy Act and FISMA reports in the *Federal Register*. In addition, Privacy Act statutes require OMB and agencies to post other Privacy Act related documents in the *Federal Register* that include:

- OMB guidelines developed for agencies to guide agencies in how the agencies maintain individual’s personal information;
- Agency systems of records notices for systems with records that contain individual’s personal information; and
- Agency developed guidelines on how agencies respond to Privacy Act requests for access to agency records in the Federal Register.

Privacy Act statutes require posting privacy related information in the *Federal Register* as the means of providing *notice* to individuals of how agencies maintain personal information in agency records.
Individuals, however, will find it difficult to locate Privacy Act related documents in the Federal Register, which essentially limits the Privacy Act’s provision of notice to individuals. Posting Privacy Act-related documents and reports in the Federal Register do not effectively inform individuals about how agencies maintain personal information or the types of information agencies collect, which directly affects access to the records.

In addition, not having a dedicated privacy related information web space in agencies affects how individuals locate privacy related information through agency web sites. With no dedicated web space, searches specific to Privacy Act information locate FOIA annual reports, other laws such as FERPA, information related to Privacy Act systems of notice and privacy impact assessments, and other non-Privacy Act request related information resources.

No dedicated web site space also affects individuals’ ability to locate procedures that provide information about how to submit requests and individuals’ ability to locate information related to how agencies disseminate information related to responses to request. If individuals cannot locate information on how to submit a request, their right of access is limited. In addition, the Privacy Act provides a right of amendment. To exercise a right of amendment where an individual can request changes to incorrect information contained in agency records, individuals must first have the ability to access records. Limited access creates a limited right of amendment.

3. Privacy Act Protections

Privacy Act statutes do not adequately provide protections of individuals’ personal information as intended by Congress. The purpose of the Privacy Act as determined by Congress is to provide safeguards for an individual against an invasion of personal privacy. Provisions of the Privacy Act require agencies to protect individuals against unwarranted invasions of their privacy due to agencies collection of personal information by limiting what agencies collect and by requiring the development of agency guidelines to protect access to and sharing of the information. (5 U.S.C. § 552a(b,e))

Exemption six of E-FOIA provides protection for third party personal information contained in agency records. The Privacy Act does not include any statutes that protect third parties’ personal information. At present, the Privacy Act does not protect third party’s personal information contained in agency records.
Privacy Act statutes also mandate that OMB interpret statutes and develop guidelines and requirements for agencies to utilize in the implementation of all Privacy Act statutes. According to Congress, Privacy Act statutes provide protections. OMB, however, has limited enforcement power to regulate how agencies implement Privacy Act statutes to apply the protections. By not having any enforcement powers, OMB also cannot enforce implementation and coordination of privacy protection activities across agencies. Based on the 2003 GAO study, senior privacy officers acknowledge uneven compliance levels across agencies and cited implementation issues based on the rapidly changing web environment and the need for further OMB leadership and guidance. In addition, senior privacy officers cited low agency priorities and insufficient employee training as implementation issues.

In terms of protections of shared records, Congress amended the Privacy Act by passing CMPPA. The purpose of CMPPA “is to improve the oversight and procedures governing the disclosures of personal information in ‘computer matching programs’ and to protect the privacy of individuals whose Federal records are used in such matching programs” (Kulick, 1990, p.1).

CMPPA adds protections that limit agency sharing of electronically formatted records (5 U.S.C. § 552a(8) (13), (o), (p), (q), (r), (u) (2000)). CMPPA, however, potentially facilitates the action of sharing personal information for use by the recipient agency in a way not intended when the agency originally collected the information. Shared personal information collected for a specific use by a source agency yet used by a recipient agency for something other than the original intent of collection of the information removes privacy protections from the personal information.

In addition to the above, agencies do not always identify all systems of records that contain personal information as Privacy Act defined systems of records based on the Privacy Act systems of records definition. The Privacy Act defines a system of records as one where the system retrieves records using a personal identifier (i.e. name and/or social security number).

GAO studies have found that all systems of records contain some personal information. Agencies, however, do not identify all systems of records as Privacy Act systems of records. Privacy act statutes cannot insure protection of personal information contained in records that agencies do not identify as Privacy Act systems of records.
4. Presentations of Privacy Related Information

There are no mandated procedures for all departments and agencies to follow in presenting information related to how agencies respond to Privacy Act requests or how agencies provide information to individuals on how to submit a request. For example, each agency must create a dedicated FOIA web site in the agency’s web site. In addition, every agency web page is required to contain a link to the agency’s FOIA web site at the bottom of every web page. No Privacy Act statutes require agencies to provide access to privacy resources similar to the way agencies are required to provide access to FOIA resources.

Issues directly associated with a lack of mandated procedures for all departments and agencies include:

a. Disparity of information presented to individuals about the Privacy Act request process between departments and departmental agencies.
b. Disparity of information presented to individuals about the Privacy Act request process across departments;
c. Disparity of information presented to individuals about the Privacy Act request process from non-department or agency provided guidance procedures;
d. Allows departments and agencies to post multiple procedures related to how agencies respond to requests and how individuals submit requests where posted procedures may lack complete agency response and individual submission information; and
e. With no mandated procedures that apply across departments and agencies, individuals face issues related to obtaining information about the Privacy Act request process and access to agency records.

In addition, no standardized presentation of privacy related procedures could create Privacy Act related barriers to disclosure (i.e. also referenced as notice). Barriers to disclosure can limit how agencies protect personal information; provide access to records that contain personal information; and limit amendment to records that contain personal information.

5. Privacy Act vs. FOIA

Very little information is available for individuals that explain the relationship between FOIA requirements and Privacy Act requirements and how this relationship, as applied independently by departments and agencies affect the Privacy Act request process. Although
Privacy Act statutes remain virtually unchanged and do not provide for the electronic delivery of privacy related information via the Internet, the Privacy Act remains as the sole disclosure act passed by Congress that provides a right of access for individuals to agency records that contain personal information. The Privacy Act specifically provides access to agency records that contain personal information; however, prior to passage of the Privacy Act Congress passed FOIA as the first disclosure act.

As a disclosure law, FOIA provides a statutory right of public access for individuals to non-exempt agency records, i.e. agency records that do not fall under FOIA’s nine exemptions or three exclusions of release. Although FOIA exemptions and exclusions restrict the release of specific records or portions of records, FOIA statutes do not specifically address an individual’s right of access to records that contain the individual’s personal information.

FOIA allows individuals to request records that contain their own personal information; however, exemption six (5 U.S.C. § 552 (b)(6)) prohibits the disclosure of records that contain personal information “which would constitute a clearly unwarranted invasion of personal privacy”. FOIA statutes protect individuals’ personal information contained in records, i.e. FOIA protects third party’s personal information in agency records. FOIA statutes however do not specifically provide protections of personal information.

To provide statutory protections of personal information maintained by agencies, Congress amended FOIA with the Privacy Act of 1974. Privacy Act statutes provide for protections of personal information and include disclosure statutes that give individuals the right of access to Privacy Act defined records that contain personal information and amendment of the information contained in the records. The Privacy Act, however, does not contain any statutory exemptions that prohibit the disclosure of records that contain a third party’s personal information. Privacy Act statutes do not provide protection against a clearly unwarranted invasion of personal privacy, i.e. Privacy Act statutes do not provide protections for a third party’s personal information contained in agency records.

As the two primary disclosure acts passed by Congress, FOIA and the Privacy Act both provide access to government information; however, the statutes of these acts provide very different approaches to the provision of access. FOIA provides individuals’ access to all non-exempt government information. FOIA provides broad access to agency records. The Privacy
Act provides individuals’ access to Privacy Act defined records that contain the requestor’s personal information. The Privacy Act provides a narrowly defined access to agency records.

As discovered in this study, OMB, departmental, and federal guides suggest that individuals use FOIA guidelines for making Privacy Act requests. FOIA guidelines for making requests for government information require agencies to provide electronic access to agency records. Privacy Act request statutes require written mailed or emailed requests. FOIA guidelines do not meet Privacy Act statutory requirements.

**Implications of Findings for Policy Makers and Executive Agencies**

The data collection and analysis efforts of this study (i.e. chapters 4-6) provide findings capable of identifying the issues above related to the Privacy Act in the current information policy environment, the effectiveness of Privacy Act statutes in protecting personal information, and implementation of Privacy Act statutes by federal agencies. As enacted and amended by Congress, the purpose of the Privacy Act is to provide protections for individuals’ personal information where protections include notice, access, and amendment.

Federal policy makers recognized the need to protect individuals’ personal data maintained by executive agencies in agency records when they passed the Privacy Act in 1974 and the need to protect personal information when agencies shared systems of records that contain personal information in the records by passing CMPPA in 1988. Since 1988, federal policy makers created laws that promote E-Government where the intent of E-Government is to improve the interaction between individuals and government agencies in the provision of access to government services and resources.

In creating the E-Government environment, federal policy makers promote the electronic delivery of information and access to information through agency web sites. Federal policy makers, however, have not addressed Privacy Act limitations in terms of the electronic delivery of privacy related information. In addition, federal policy makers have not identified or addressed issues such as limitations specific to the degree to which CMPPA protects personal data in agency records and the degree to which the Privacy Act fails to provide protections for third parties personal information in records.

In terms of how agencies electronically deliver information services and resources, OMB and the Executive office have not insured that agencies implement Privacy Act protections.
OMB and the Executive office also have not addressed how E-Government affects effective and efficient implementation of Privacy Act statutes.

The Privacy Act charges OMB with developing and managing procedures to insure implementation of Privacy Act statutes. E-Government related laws also mandate that OMB provide and manage procedures for agencies that promote the interactive delivery of government services and resources through agency web sites and that agencies develop standardized and interoperable web sites. Federal agency web sites included in this study do not provide standardized and interoperable web sites that promote the interactive delivery of government information services and resources, or more specifically, the delivery of Privacy Act related electronic services and resources.

Although OMB may not have enforcement powers over agencies, OMB is an executive agency and the Executive office has the power to require agencies to comply with OMB provided guidance through the issuance of Executive memos. The Executive office has not adequately promoted or required that all executive agencies provide standardized and interoperable web sites. More specific to this study, the Executive office has not required that agency web sites provide standardized privacy related procedures for notice of what personal information agencies maintain, for individuals on how to request access to the information maintained in agency records, or of how agencies respond to requests for access to the records.

In addition, the Privacy Act requires agencies to develop procedure on how the agencies respond to Privacy Act requests and to provide notice to individuals of how they maintain personal information, i.e. to post response to access request procedures and systems of records notices in the Federal Register. Agency chief privacy officers recognize that agencies in general are not standardized or interoperable across agencies in terms of E-Government and the implementation of Privacy Act statutes (GAO, 2003). Agency chief privacy officers cite a lack of resources and a lack of guidance from OMB (GAO, 2003).

Agencies, however, do have control of their web site development and could unilaterally provide dedicated electronic access in their web sites for privacy related information. Agencies may cite a lack of resources and guidance; however, agencies are aware of Privacy Act statutes and are capable of determining how best to provide information individuals need.

Based on the results of this study, some agencies do provide notice to individuals through their web sites (i.e. lists systems of records), provide procedures on how they respond to
requests, and provide procedures on how individuals request access. As seen in the results of this study’s web site searches, however, the researcher only located 12 procedures in 64 sample sites that contain minimal requirements for submission of Privacy Act requests. Departments and their associated agencies can and should implement guidelines on how best to provide privacy related information electronically where implementation promotes the provision through standardized and interoperable web sites. By not providing electronic access to privacy related information via agency web sites, agencies do not promote Privacy Act protections for individuals’ personal information.

**Implications of Findings Summary**

Based on the findings of this study, the Privacy Act does not adequately provide individuals’ the means to access agency records that contain their personal information. The results of this study find that federal policy makers, OMB, and the Executive office have not adequately addressed issues related to implementation of Privacy Act statutes in an E-Government environment.

Agency web sites included in this study are not standardized and interoperable in the electronic provision of privacy related services and resources. By not addressing detailed issues analyzed in chapters 4-6 or the broader issues presented above, federal policy makers, OMB, the Executive office, and federal agencies do not adequately provide Privacy Act protections that include the provision of access to agency records for individuals.

For individuals to access agency records that contain their personal data, individuals should know what systems of records contain personal information and receive notice of the types of personal information maintained by the systems. Agencies can supply this information through dedicated privacy areas of their web sites and supply the information in a way that is useful for individuals, i.e. clearly provided details of the systems of records. Individuals also need to know how to submit requests and how agencies respond to requests. Agencies know what information they require from individuals who want to submit a Privacy Act request. Agencies should develop a dedicated privacy web site and post this information.

Federal agency web sites included in this study do not provide standardized and interoperable electronic access to privacy related information, such as descriptions of systems of records, procedures that explain to individuals how to request access to records in the systems, or...
procedures that explain how agencies respond to requests for access to records. Agencies can unilaterally address some of the issues identified in this study; however, federal policy makers, the Executive office, and OMB also need to address the issues.

By not identifying or addressing known issues related to the Privacy Act, federal policy makers, OMB, the Executive office, and executive agencies have not adequately enforced Privacy Act protections. In addition, federal policy makers, OMB, the Executive office, and executive agencies have not promoted E-Government in terms of the Privacy Act.

**Analysis of Study Approach**

Review of a number of theories, models, frameworks, and studies related to policy research failed to produce an appropriate existing conceptual framework for this study. Studies, such as those presented by Gouscos et al. (2007), present a number of models and frameworks related to the quality and performance of E-Government service offerings; however, none of the available models or frameworks sufficiently describe the problem addressed by this study. The exploratory nature of this study allows the researcher to offer a preliminary study approach to guide the study’s data collection and analysis efforts.

Based on the results of data collection and analysis efforts, the preliminary study approach developed for this study proved useful; however, results of data collection efforts have identified limitations of and necessary modifications to the approach. The original study approach presented in figure 7.1 below includes:

1. Factors that can affect *Privacy Act Access through Federal Agency Web Sites* (i.e. tier 1);
2. Current study methods designed and implemented for the *Assessment of Access through Federal Web Sites* (i.e. tier 2);
3. *Indicators of Success* that determine the *Success of Privacy Act Access through Federal Agency Web Sites* (i.e. tier 3);
4. Policy, agency, and citizen issues identified from data collection and analysis efforts.
5. Federal policy, agency, and user-based recommendations derived from data collection and analysis efforts.

In addition, the preliminary study approach includes a section for measures of success identified from methods used in data collection and analysis efforts.
Preliminary Study Approach Analysis

The top row of the study approach (figure 7.1 below) presents privacy policy factors that affect Privacy Act Access through Federal Agency Web Sites (i.e. tier 1). The researcher identified these factors during the planning stage of the project and integrated these factors into the study’s research design.

Figure 7.1: Initial study approach for evaluation of the privacy component of federal web sites.
Of the four initial identified types of factors, data analysis results support *Federal Laws and Regulations* and *Agency Guidelines, Procedures, and Forms* as factors that address *Privacy Act Access through Federal Agency Web Sites*. Methods developed for this study, however, were very limited in providing results related to *Citizens/Users Needs and Inputs*, the *Agency Web Site Management Context*, and agency factors that affect the management context.

As presented in chapter four (i.e. the policy analysis), conducting a policy analysis of privacy related *Federal Laws and Regulations* is integral to understanding issues related to how agencies implement federal laws as part of a broad information environment. *Federal Laws and Regulations* provide understanding of *Privacy Access through Agency Web Sites* (i.e. tier 1 of figure 7.1 below) and should remain a part of this study approach.

Results of the policy analysis, usability study, web-content review, and Privacy Act request methods (i.e. appendices A-D and chapters 4-6) identify issues specifically related to *Agency Guidelines, Procedures, and Forms*. The identified issues delineate information-privacy implementation problems related to Privacy Act statutes that require agencies to develop and implement guidelines, procedures, and forms (i.e. from the policy analysis). *Agency Guidelines, Procedures, and Forms* directly address *Privacy Access through Agency Web Sites* (i.e. tier 1 of figure 7.1 above) and should remain a part of this study approach.

*Citizens/Users Needs and Inputs* address interactions between individuals and agencies in terms of meeting individuals’ needs of access to agency provided privacy related information. The methods used in this study identify issues that can affect individuals’ access to agency records; however, no participants other than the researcher were included as part of this exploratory study. The researcher identified all issues based on Privacy Act statutes that address access and the presentation of access information through agency web sites and data collection and analysis results occur based on the researcher’s experience in conducting this research.

The data collection efforts of this study provide no results based directly on individuals interaction with agency web sites, other than the interactions of the researcher with the web sites. To understand individuals’ needs and inputs, studies such as these need methods that obtain data based on participant/agency interactions, such as interviews, focus groups, and usability studies with participants. *Citizens/Users Needs and Inputs* in this study do not specifically address
Privacy Access through Agency Web Sites (i.e. tier 1 of figure 7.1 above) and should not remain a part of this study approach.

The Agency Web Site Management context of the study approach determines how agencies maintain information privacy services and resources. Agency Resources, Staff, Technical Infrastructure, and Priorities directly affect Agency Web Site Management. This study, however, does not contain methods capable of ascertaining how agencies manage web sites or in determining how agency factors such as resources, staff, information infrastructure, and priorities affect the management context. The Agency Web Site Management and Agency Resources, Staff, Technical Infrastructure, and Priorities factors in this study do not specifically address Privacy Access through Agency Web Sites (i.e. tier 1 of figure 7.1 above) and should not remain a part of this study approach.

The remainder of the study framework adequately represents this study; however, data collection findings indicate needed changes to relationships in the remainder of the study approach. Data findings from the methods implemented in this study provide an Assessment of Access through Federal Web Sites (Tier 2, figure 7.1 above); however, results of data analysis efforts from these methods identify changes needed to the approach.

Tier two of the framework (figure 7.1 above) presents the relationship between study Methods and the Assessment of Access through Federal Agency Web Sites component of the approach. Data collection methods provide results directly related to how agencies provide access. For example, the usability study as initially developed collects page view counts and time metrics that assess the effectiveness and efficiency of searches through web sites to locate desired procedures.

Results of data collection efforts presented in appendices D-G and chapters 4-6 provide findings capable of informing how agencies provide access to records through their web sites. Results also provide findings capable of refining existing and/or inclusion of additional data collection methods. Based on the results, the Assessment of Access through Federal Web Sites box (tier 2 of figure 7.1 above) needs a relational arrow back to the methods box to indicate that data results provide feedback capable of refining the data collection methods.

Tier three of the study approach presents a relationship between Indicators of Success and the Success of Access through Federal Agency Web Sites component in providing access for individuals to agency records. Each method developed for the study includes data collection
metrics developed for data collection and analysis efforts. These metrics provide indicators that are useful in determining the success with which agencies provide access to records through their web sites.

For example, an indicator of success for the usability study is the ratio of unique page views per type 3 procedures located in agency web sites. The lower the ratio (i.e. 2 unique pages viewed per type 3 procedure, or 2/1), the more effective the search process to locate type 3 procedures. An example of an indicator of success for the Web-content review is the percentage of agencies that contain type 3 procedures. The higher the percentage, the more effectively federal agencies provide information to individuals on how to submit Privacy Act requests.

An indicator of success for the Privacy Act request assessment is the percentage of agencies with located type 3 procedures that contain minimal requirements for submission of Privacy Act requests to an agency by an individual. The higher the percentage, the more effective agencies are overall at providing minimal information needed by individuals to submit Privacy Act request for access to agency records.

Analysis of the study method’s metrics provides indicators that are useful in determining the success with which agencies provide access to privacy related information through their web sites. The analysis, however, is also capable of the provision of feedback on the usefulness of existing indicators and the identification of new indicators of success. The Success of Access through Federal Agency Web Sites box (tier 3 of figure 7.1 above) needs a relational arrow back to the Indicators of Success box to show that data results provide feedback capable of refining indicators of success.

The study approach already includes the Indicators of Success box as discussed above. The study approach does not need the box labeled Measures of Success. Indicators of Success are measures that indicate effectiveness, efficiency, and usefulness of agency provided access to agency records through agency web sites. The Measures of Success box is redundant in the original study approach.

The two bottom rows of the study approach adequately represent research identified federal policy, agency, and citizen/user issues and recommendations developed to address the issues. The study approach, however, needs connecting arrows added from the recommendations row back to factors from the federal privacy policy arena that affect Privacy Act Access through
Federal Agency Web Sites (i.e. tier 1 of figure 7.1 above). These arrows represent how recommendations provide feedback directly to the policy environment.

Modified Study Approach

The analysis of the original study approach identifies a number of needed modifications and refinements that include:

1. The evaluation design of this study does not adequately address Citizens/Users Needs and Inputs, the Agency Web Site Management Context, or agency factors that affect the management context. The new framework does not include these factors.
2. Results of the data collection efforts provide findings capable of informing how agencies provide access to records through their web sites. Results also provide findings capable of refining data collection methods.
3. Indicators are useful in determining the success with which agencies provide access to records through their web sites. Study findings also provide feedback capable of refining indicators of success and identifying new indicators of success.
4. The recommendations row of the framework needs a direct link back to the Privacy Act Access through Federal Agency Web Sites box to represent how recommendations provide feedback directly to the policy environment.

Figure 7.2 below presents the modified study approach.

The preliminary study approach created for this study (figure 7.1 above) provided useful guidance for the study’s data collection and analysis efforts. The modified study approach presented in figure 7.2 (below), however, better represents the current study based on the study’s research design and data analysis efforts.
Analysis of Study Approach as a Potential Conceptual Framework

The study approach developed for this research provides guidance in identifying factors that affect Privacy Act access through agency web sites and includes the research design of the study, i.e. data collection methods and measures that provide indicators of success. Although a study approach has the potential to inform the development of a conceptual framework to guide
future research in a particular area of study, the exploratory aspect of this study limits
development of a conceptual framework.

The modified framework does not include key factors that determine Privacy Act Access
through Federal Agency Web Sites, such as Citizens/Users Needs and Inputs, Agency Web Site
Management Context, or Agency Resources, Staff, Technical Infrastructure, and Priorities.
Without additional research to address these key factors, the current study approach does not
adequately describe Privacy Access through Federal Agency Web Sites (tier 1 of figure 7.2
above). The study approach also does not include data collection methods capable of assessing
Citizens/Users Needs and Inputs, Agency Web Site Management Context, or Agency Resources,
Staff, Technical Infrastructure, and Priorities or determining the Success of Access through
Federal Agency Web Sites (tier 3 in figure 7.2 above).

The study approach as modified in figure 7.2 above adequately represents the study’s
research design and data analysis efforts. The modified study approach, however, does not
provide enough input at this time to inform the development of a conceptual framework capable
of guiding future privacy policy related research.

Assessment of the Study Methodology

The purpose of this exploratory study is to assess access for individuals through federal
web sites to records maintained by agencies that contain personal information about the
individuals in terms of Privacy Act requests. The research design of the study addresses the study
purpose by assessing the current state of Privacy Act access to agency records through agency
web sites. To assess the current state of Privacy Act access, the research design employs multiple
data collection methods that include a policy analysis, usability study, Web-content review, a
Privacy Act request assessment, and submitted Privacy Act requests to provide measures related
to how agencies provide access for individuals to agency records through agency web sites.

Multi-method Approach

This study’s research design utilizes multiple methods to assess access to agency records
through federal web sites from multiple perspectives, i.e. the federal policy environment, agency
provision of privacy related information through agency web sites, and individuals need for
access to privacy related information. Figure 7.3 below presents the relationships between the study’s data collection methods.

As shown in figure 7.3 above, the usability study, Web-content review, and Privacy Act provide assessments of guidance procedures located in agency web sites. The usability study provides data related to locating agency guidance procedures. The Web-content review provides data that identifies the types of procedures located. The Privacy Act request process assesses the potential for submission of the located procedures. The submitted Privacy Act request method, however, provides an assessment of agency responses to actual submitted Privacy Act requests.

Together, the multi-method approach utilized in this study provides findings capable of describing how agencies provide access through agency web sites; however, each method used in
the study provides limited findings. Limitations of each method occur primarily from reliance on data collection efforts conducted by a sole researcher. As an exploratory study, data collection by a sole researcher can provide useful findings; however, data collected from multiple users will improve the reliability and validity of the study’s research design. Assessments using multiple participants for each method will also provide more complete and robust findings for analysis.

**Multiple Search Approaches**

The research design of this study includes three separate searches of the same 64 sample study sites. The three searches applied in this study include agency web site, USA.gov, and Google.com searches. Each of these searches utilize the same usability study, Web-content review, and Privacy Act request methods (i.e. as presented in figure 7.3 above) and follow the same search protocol developed for this study. Results of the three search approaches effectively provide comparable data. The use of multiple search approaches in this study effectively improved the reliability and validity of the study’s data collection and analysis efforts.

Although the multiple search approaches used in this study effectively provides comparable results, use of the study’s search protocol limited search results of each search approach used in the study. The study researcher collected all data for this study. To improve the reliability of data collection efforts, the researcher developed a search protocol to guide data collection efforts. The search protocol improved reliability of the sole researcher’s data results but also limited the extent of data collection efforts.

For example, multiple participants of the usability study would produce additional results. Multiple participants would utilize a number of different search techniques through agency web sites to locate guidance procedures. The application of different search techniques by multiple usability participants would improve the reliability and validity of the usability method and potentially produce a better representation of the usability of agency web sites.

**Assessment of Study Assumptions and Limitations**

In chapter one of this study, the researcher presented initial methodology related assumptions of the study (see chapter three) that include:
1. Multiple methods of data collection efforts provide a composite picture far more comprehensive than any single evaluation strategy can provide (Bertot et al., 2001; Miles, 1994).

2. Assessment from multiple perspectives will provide a more comprehensive understanding of the relationship between presented procedures and individuals obtaining information on how to request access to agency records.

3. Minimal changes occur to sites during assessment period.

4. Procedures presented through the web sites actually represent how agencies respond to requests.

The researcher developed the assumptions above prior to the start of data collection efforts.

Based on the assessment of the study’s multi-method approach, assumption one is correct. Use of multiple methods provides a composite picture far more comprehensive than any single evaluation effort could provide.

Assumption 2 is also correct. The use of three separate search approaches provide data results from three separate search perspectives, i.e. search perspectives through agency web sites, the USA.gov search portal, and the Google.com search portal where all three searches provide comparable data results. These three perspectives provide a more comprehensive understanding of the relationship between presented procedures and the success with which the located procedures would provide individuals information on how to request access to agency records. These three search approaches also improve the reliability of data collection efforts and improve the validity of the research design of the study.

Assumption 3, minimal changes occur to sites during the assessment period is incorrect as some web sites significantly changed during the course of the study, i.e. some prior located procedures were no longer available (i.e. URLs became inoperable) and the hierarchical search lists changed significantly in some sites. Assumption 3, however, is correct based on actions taken by the researcher during data collection efforts.

As part of the data collection process, the researcher recorded all searches to preserve the web sites as initially viewed for future reference and to improve the reliability and validity of data collection efforts. Recording data collection searches allowed the researcher to document the search process and validate search results based on actual findings at the time of each search.
Assumption 4, procedures presented through the web sites actually represent how agencies respond to requests is inconclusive. No procedures located contained enough information to assess whether information contained in the procedures actually represent how agencies respond to requests. The research design of the study requires additional data collection methods to determine if assumption 4 is correct or incorrect. Additional methods would include focus groups and/or interviews with agency privacy act officers to determine how agencies actually respond to requests.

In addition to assumptions, the researcher also developed an initial list of methodology limitations (see chapter three) that include:

1. Agencies autonomously comply with Privacy Act statutory provisions.
2. Agencies autonomously develop and implement procedures.
3. Simply being a policy does not reflect agencies actions related to the policy.
4. The methods of this study can only identify and assess presented procedures.
5. Presented procedures provide very limited insights of an agency’s decision-making process.
6. Lack of available documents limit the determination of the affects of key issues on the privacy policy environment.
7. Lack of access to internal Congressional, Executive office, and Executive agency documents, as well as information regarding the decision-making processes of these government entities affect understanding how issues of the policy environment can affect access to agency records.

The researcher identified the limitations presented above as initial study parameters.

Based on data analysis results presented in chapters 4-6, all of the limitations presented above adequately reflect findings of the study at this time, i.e. based on the 64 sample sites of the study. In addition to the limitations above, this study is exploratory in nature and as such does not supply sufficient detailed findings or include a large enough study sample to generalize to agencies not included in the study sample. The study search protocol instigated to improve reliability of a sole researcher’s data collection efforts also limits potential data collection results as the protocol strictly controls how the study researcher searched each viewed web page and includes three specific search phrases for use in searching agency web sites.
The use of additional search phrases and not using the search protocol (i.e. participants could search independently of each other) could result in additional findings for the study. The research design does include training three coders and assessing the results of coder data-collection efforts for intercoder reliability; however, the study needs a broader search approach that includes participants.

**Recommendations**

As presented in the data analysis chapters (i.e. chapters 4-6), data analysis results include key findings, key issues, and suggested recommendations that address the issues presented in each section of the chapters. In addition, the chapter summary of each of the data analysis chapters provides an overview of all issues identified in the chapter by broader application to Privacy Act statutes. The Implications of Study Findings section of this chapter provides an analysis of these issues by broader application to Privacy Act statutes. This section provides federal policy, agency, and recommendations for individuals based on the presentation and discussion of these broader issues.

**Federal Policy Recommendations**

1. Congress should amend the Privacy Act to include protections for third parties’ personal information contained in agency records. Exemption six of E-FOIA specifically addresses protecting third party personal information contained in agency records; however, Privacy Act statutes do not include protections specific to third party’s personal information. Congress should add an exemption to protect third party information contained in agency records, similar to exemption six of FOIA.

2. E-Government promotes interactions between citizens and executive agencies by promoting electronic access to government services and resources. Privacy Act statute do not promote E-Government. Congress should amend the Privacy Act to include statutes that require electronic access to privacy related government information and improve citizen-centered access to agency records through agency web sites, such as:
   a. Require that each federal agency maintain a dedicated Privacy Act site as part of the agency’s web site to promote the electronic delivery of privacy related information.
b. Develop privacy information specific web site content guidelines to insure that access to all relevant Privacy Act sources of information is consistent across agencies.

c. Develop electronic access and communication guidelines for agency web sites that improve the efficiency and effectiveness of citizen-to-agency interaction and communication through the privacy web sites.

d. Amend the Privacy Act to require interoperable and standardized privacy web sites in each agency to promote the delivery of privacy related information across agencies.

3. Congress should ascertain that OMB establish, manage, and implement guidelines and practices to promote electronic access through agency web sites and mandate that all agencies adopt the guidelines and practices to improve standardized and interoperable web sites. Agency web sites included in this study are not standardized and interoperable across all agencies and as such do not collectively promote E-Government.

4. Congress should mandate higher agency priorities to improve privacy related compliance across agencies and sufficient employee training to address these priorities. According to the 2003 GAO study findings, agency chief privacy officers acknowledge that a lack of resources, staff training, and OMB guidance limits implementation of Privacy Act statutes. Limited implementations of Privacy Act statutes diminish Privacy Act protections.

5. Congress should revise CMPPA statutes that address when and how agencies share systems of records by adding stringent reporting requirements that describe how recipient agencies maintain matched system of records and how use by the recipient agency of personal data contained in the shared system matches the original intended use of the collected personal information. Privacy Act statutes limit the use of personal information maintained by agencies to the original purpose of the collection of the information. Matching, or the sharing of systems of records that contain individuals’ personal information should only occur if recipient agencies use the data as originally intended.

6. Congress should require that matching, or sharing personal data contained in Privacy Act systems of records also include informing individuals of the alternative use of their personal data. If agencies cannot do the above, Congress should not allow shared the matching or sharing of Privacy Act systems of records. Privacy Act statutes require that agencies inform individuals if the agencies intend to use personal data for some reason
other than original intent of collection. This same requirement should apply to recipient agencies who intend to use personal data differently than original intent of use.

7. Congress should mandate separate reporting of Privacy Act requests. Mandated annual FOIA request reports currently include Privacy Act requests as part of the reporting process; however, FOIA reports do not separate FOIA requests from Privacy Act requests as part of the reporting process.

8. Congress should mandate that FOIA and Privacy Act requirements remain separate, that OMB develop separate guidance on how departments and agencies apply requirements of each law, and that every department and agency defer from applying FOIA requirements to Privacy Act implementation, particularly in terms of Privacy Act requests. FOIA and the Privacy Act are both disclosure laws; however, each law serves a separate purpose. FOIA provides general access to all government information. The Privacy Act is specific in providing access for an individual to agency records that contain the requesting individual’s personal data. Privacy Act statutes specifically state that no individual may request access to agency records to obtain another individual’s personal information.

9. Congress should review and revise the Privacy Act definition of systems of records to insure that individuals have access to any records that contain personal data, and not just have access to Privacy Act defined systems of records. The 2003 GAO study states that all systems of records contain some personal information. The Privacy Act defines system of records as “a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual” (5 U.S.C. § 552a(5)). The Privacy Act definition of a system of record limits access for individuals to agency records that contain their personal information. In addition, the current definition removes Privacy Act protections of personal information contained in systems of records not defined as Privacy Act systems of records.

Federal Agency Recommendations

1. Agencies should post all privacy related information in dedicated privacy web sites to improve access to privacy related information. E-Government promotes the electronic
delivery of government services and resources through standardized and interoperable agency web sites. Dedicated privacy web sites in all agencies promote E-Government.

2. Agencies should periodically review their web sites to insure that all web pages meet standard usability guidelines. This study utilizes standard usability guidelines recommended through Usability.gov and by Nielsen and Loranger, recognized web site usability experts (2006). The purpose of web sites is the effective and efficient delivery of information to users of the web sites. The effective and efficient delivery of information requires ongoing planning, management, and maintenance of web sites.

3. Agencies should post privacy related information in dedicated privacy web sites. Privacy Act statutes include the provision of notice where notice informs individuals of the types of personal information agencies maintain. The Privacy Act also provides individuals with rights of access and amendment. Dedicated privacy web sites promote the provision of notice to individuals by informing individuals of the types of personal information agencies maintain. Dedicated privacy web sites also assist individuals in exercising their rights of access to and amendment of agency maintained personal information.

4. Responses to Privacy Act requests should reference the original Privacy Act request. Findings from the submitted Privacy Act request method include response letters from agencies that do not reference the original request as a Privacy Act request. Not referencing the original request in the response letter from agencies may confuse users who anticipate responses related to their original Privacy Act request.

5. Departments and agencies should not require individuals to submit Privacy Act requests using FOIA mandated statutes. FOIA and the Privacy Act have different purposes as disclosure laws and specifically developed statutes to address each purpose. FOIA statutes do not apply to the Privacy Act.

6. Agencies that automatically conduct a FOIA request when they receive a Privacy Act request, and vice versa should provide a full explanation of the relationship between FOIA and the Privacy Act to individuals. As stated above, FOIA and the Privacy Act have statutes specific to each law. Users may not understand or know the differences between FOIA statutes and Privacy Act search related statutes, such as the total costs of searches or agency response times.
7. Departments should create aggregated lists of all systems of records in a dedicated privacy area of their web sites to provide access for individuals to the systems. Each system of record should include a name, ID, and full description of the types of information contained in the records with special emphasis on clearly describing personal data contained in the systems’ records.

Recommendations for Citizen’s

1. Become an informed citizen. Read the Privacy Act. Also, read books, documents, and articles about the Privacy Act. The Privacy Act is the sole federal law that provides citizens’ with the Privacy Act right of access to agency records that contain their personal data and the right to request amendment of the records if the personal data is incorrect. Knowledge of these rights empowers citizens with these rights.

2. Read the Department of Justice provided Overview of the Privacy Act of 1974. This overview provides information about the Privacy Act, interpretations of Privacy Act statutes, and presents selected judicial interpretations that have affected how agencies interpret and implement Privacy Act statutes.

3. Locate federal guidelines that contain general information about the Privacy Act, such as Your Right to Federal Records and A Citizen’s Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records. These documents will not provide agency contact information; however, they do provide an overview of FOIA and the Privacy Act.

4. Go to online organizations such as Privacy.org and the Electronic Privacy Information Center (EPIC, http://epic.org). These organizations and others provide Privacy Act related information through their web sites. Organizations such as these often include links to other privacy related web sites, research, reports, and the text of congressional hearings. These sites also often include guidelines on how to request access to agency records and other privacy information.

5. At present, Privacy Act statutes do not mandate that agencies provide dedicated web space for posting privacy related information. Individuals seeking access to agency records through agency web sites will need to invest time and effort to locate needed contact information and to locate submission requirements.
6. Be persistent. If privacy related contact information is not readily located or available from searching an agency web site, contact the agency’s FOIA officer for information on how to submit a Privacy Act request. Each web site is required to have a FOIA link at the bottom of every web page. FOIA officers can provide information related to Privacy Act requests, as can other agency personnel listed in agency web sites.

**Recommendations Summary**

The recommendations presented above directly address the issues presented in this chapter and the data analysis chapters (i.e. see chapters 4-6). Based on the study findings and the discussion of identified Privacy Act related issues, Congress, OMB, the Executive office, Executive departments and departmental agencies, and other interested parties should implement these recommendations to insure that Privacy Act statutes adequately provide protections for personal data maintained by federal agencies. In addition, implementation of these recommendations will help insure that agencies adequately provide access for individuals to agency maintained records that contain personal information.

**Future Research**

Data collection and analysis results of this study identify a number of issues along with recommendations to address the issues. The results also identify potential future areas of research. These additional areas of research will further address the purpose of this study, which is to assess Privacy Act access for individuals through federal web sites to agency records.

**User Needs Assessment**

The usability study of this project collected selected usability metrics based on a sole researcher’s search efforts. A broader-based usability study with additional metrics, targeted search goals, and participants will provide a more comprehensive understanding of how agencies provide information to individuals on how to request access to agency records. Broader-based usability studies will also provide findings that describe users’ information seeking behavior.

In addition to usability studies, researchers need to identify user needs in terms of privacy related information. Agency provided access to information must address the needs of multiple stakeholder groups. To obtain this information, researchers need to conduct interviews, focus
groups, and surveys that include participants from various user stakeholder groups. Conducting user needs assessments will address questions that include:

1. How do individuals search for privacy related government information through agency web sites? What types of search features do individuals find most useful for locating needed information? How does the presentation of privacy related information affect individuals’ search efforts?

2. How effective and efficient are agency web sites at providing access for individuals to privacy related information? How effective and efficient are agency web sites at providing access for individuals from varying stakeholder groups?

3. Do individuals understand the relationship between FOIA and Privacy Act access to government information? Does contact with FOIA officers for Privacy Act related needs confuse individuals? Are individuals able to locate privacy related information presented in FOIA web pages and documents?

4. Are individuals able to locate needed information resources? To what degree do located information resources meet individual’s needs? How can agencies better present privacy related information resources for individuals?

Conducting user needs assessments to address the questions above will improve individuals’ abilities to access government information through agency web sites. Improved access to government information will also improve the way individuals interact with agencies.

**Agency Needs Assessment**

Findings from this study do not specifically address how agencies maintain privacy information from an agency perspective. To understand how agencies maintain privacy information, researchers need to conduct agency needs assessments.

Agency-specific factors affect the maintenance and protection of personal data where factors include agency resources, employee training, agency technical infrastructure, and agency priorities. To understand how these factors can affect the way agencies maintain personal information, researchers need to conduct needs assessment that include interviews, focus groups, and surveys of agency chief privacy officers, IT personnel, and staff members. Conducting agency needs assessments will address questions that include:

1. How do agencies maintain privacy protections?
2. How do agency-specific factors affect the maintenance and protection of personal data where factors include agency resources, employee training, agency technical infrastructure, and agency priorities?

3. To what degree do agencies prioritize privacy protections?

4. Can agencies maintain privacy protections with limited resources?

5. How can OMB provide better support to agencies? What procedures do agencies need to improve the way they provide privacy protections?

6. How do privacy related management models vary across agencies? What do these different models have in common?

7. Does privacy management occur at a CIO level or some lower management level? Should privacy management occur through a centralized government privacy office/agency?

Conducting research to address the questions above has the potential to improve the way agencies maintain privacy information and provide access for individuals to records that contain the information.

**Content Analysis**

The Web-content review and Privacy Act request assessments provide metrics of the types of guidance procedures located in agency web sites and the potential for submission of the located procedures. In addition, these methods provide an aggregated list of requirements from located procedures in agency web sites, federal non-agency guidelines, the text of the Privacy Act, and the DOJ overview of the Privacy Act. These methods provide critical data capable of describing access for individuals to Privacy Act agency records through agency web sites; however, these exploratory methods were limited in how they describe the access process.

Conducting a content analysis of located guidance procedures will provide a better understanding of minimum requirements needed to submit a request. Results of a content analysis could also provide metrics that inform the development of standards for guidance procedures that provide Privacy Act access. In addition, the development of Privacy Act access standards provides the opportunity to develop a functionality method based on the standards for comparison across agencies. Conducting content analyses of procedures that provide information to individuals on how to request access to agency records will address questions that include:
1. How effective are agency provided procedures at informing individuals on how to submit a Privacy Act request? What descriptive information should procedures contain that will adequately explain the Privacy Act access process? How effective are procedures that describe the Privacy Act at informing individuals on how to submit requests? How effective are procedures that describe how agencies respond to Privacy Act requests at informing individuals on how to submit requests?

2. What minimum requirements should agency procedures include to insure that individuals could submit requests for access to agency records? Do located submission procedures provide enough information for individuals to submit requests? How do agencies differ in identifying minimum requirements? What requirements are common to all agencies? Are there agency-specific types of submission requirements?

3. Is it possible to identify minimum submission requirements for standardization across agencies? Could researchers, agency personnel, and others use standardized submission requirements to assess agency compliance in providing access to agency records? Addressing the questions above has the potential to improve access for individuals to privacy related information and the standardization of how agencies provide access.

**Policy Analysis**

The policy analysis of this study primarily focused on privacy related access to agency records through agency web sites; however, the policy analysis also included the identification and analysis of factors that affect access to agency records in terms of a broader information policy environment. Conducting additional policy research will address questions that include:

1. How well do Privacy Act statutes provide protections of individuals’ personal data that agencies maintain? What is the relationship between different Privacy Act protections (i.e. notice, access, amendment, and security)? Do the relationships create implementation issues for agencies? Do the relationships diminish or increase the overall protection of personal information maintained by agencies?

2. To what degree should Congress amend the Privacy Act to meet a changing information policy environment? To what degree should the Executive office address needed amendments to the Privacy Act?
3. In what other ways do factors identified in the policy analysis of this study affect privacy related protections in a broader information policy environment? What additional factors could affect privacy related protections?

Findings from studies that address the questions above have the potential to change privacy related policy and to improve Privacy Act provided protections of individual’s personal information.

**Future Research Summary**

Additional methods with related research questions are available for privacy related assessments of federal web sites and policy research; however, the methods and questions presented in this section specifically build upon this study’s findings. Future research presented above, such as user needs assessments, agency needs assessments, and content analyses have the potential to improve individuals’ access to government information through agency web sites and the way agencies provide access. Additional policy research, however, has the potential to change the way government provides privacy protections for individuals’ personal data maintained by agencies and the way agencies provide individuals access to government information.

**Benefits and Impacts**

This study examines issues that affect privacy related access for individuals to agency records through federal web sites, how agencies provide access, and the success agencies have in the provision of access through their web sites. This study also examines issues that are specific to Privacy Act statutes affect agency provided access. In addition, this study provides an analysis of factors from a broader information-policy environment (i.e. statutes of information policy laws such as the E-Government Act, E-FOIA, and others) to determine the affects of these factors on the privacy policy environment. In addressing these issues, this study produced findings that benefit individuals, agencies, federal policy makers, and policy researchers.

Findings of this study benefit individuals in that the results include practical guidance in the form of recommendations to improve how individual’s access privacy related information resources. Selected findings from this study that benefit individuals include:

1. Provide insights for individuals about Privacy Act protections.
2. Inform individuals about Privacy Act rights of access and amendment.
3. Provide insights to individuals on how agencies present information about Privacy Act requests through agency web sites.
4. Provide practical guidance on how to locate needed privacy related resources.
5. Inform individuals on how to submit Privacy Act requests to agencies.
6. Identify resources from federal sources other than Executive agencies that contain additional information related to Privacy Act requests for access to agency records.

In addition, recommendations provided by this study to improve access for individuals to privacy related resources will also improve individuals’ E-Government electronic interactions with government agencies by improving individuals’ ability to locate other needed government services and resources through agency web sites.

For agencies, findings of this study produced recommendations that can improve how agencies implement Privacy Act requirements. More specifically, findings of this study provide specific examples of how agencies can improve access for individuals to agency records through agency web sites. Selected findings from this study that benefit agencies include:

1. Identify issues related to how individuals access government information through agency web sites.
2. Identify individuals’ privacy information needs.
3. Identify individuals’ privacy information needs in terms of access to privacy related resources through agency web sites.
4. Focus agencies attention on web site design and maintenance to increase the effectiveness and efficiency of the electronic delivery of privacy information resources through agency web sites.
5. Improve agency provided access for individuals to privacy related resources through agency web sites.
6. Improve agency provided access for individuals to agency records to meet Privacy Act statutes related to access, i.e. includes statutes specific to disclosure, notice, and amendment in addition to access.

Benefits for agencies from this study’s recommendations will also aide agencies with the broader implementation of E-Government related initiatives and practices to improve the interaction
between individuals and agencies through agency web sites and improve electronic access to government services and resources.

For federal policy makers, this study provides recommendations to help Congress meet the purpose of the Privacy Act, which is to “provide certain safeguards for an individual against an invasion of personal privacy” specific to “…individuals identified in information systems maintained by Federal agencies… (5 U.S.C. § 552a(section 2(a)(5)).” Selected findings from this study that benefit federal policy makers (i.e. Congress and others) include:

1. Identify privacy related issues related to the policy making process.
2. Inform the federal policymaking process on how to address information privacy policy related issues.
3. Provide recommendations to improve the information-privacy policymaking process.
4. Improve the protection of individuals’ personal information contained in agency records.
5. Increase access for individuals to all records that contain their personal information.
6. Improve how Privacy Act statutes provide disclosure to, notice of, access to, and amendment of privacy related information resources.
7. Address how agencies implement Privacy Act requirements.

In addition to the above, findings from this study identify limitations in how the federal government implements E-Government practices to improve interactions between individuals and agencies through agency web sites for improved electronic access to government services and resources.

In addition to benefits to individuals, agencies, and federal policy makers, the research design of this study also provides benefits for researchers. Selected findings from this study that benefit researchers include:

1. Findings add to the body of knowledge in the field of policy research, and more specifically in the field of information-privacy policy research.
2. Presents a research design and methodology for conducting policy research that provides findings capable of identifying policy-level issues based on assessments of agency-level policy implementation practices.
3. Demonstrate the usefulness of an iterative multi-method approach to policy related research.
4. Present a practical approach to assessing interactions between individuals and agencies in the delivery of government services and resources through agency web sites.

5. Provide the basis for future research, as an exploratory study for assessing the effectiveness and efficiency of agency provided access to government information through agency web sites.

6. Identify areas of future research that will build on the current study’s findings.

7. Recognize that other government information policy laws (i.e. E-Government Act, E-FOIA, PRA, and GREA) and factors (i.e. agency management practices, agency resources, Executive orders, and judicial determinations) delineate and govern a broader government information policy environment and this broader environment affects any study that focuses on one aspect of access to government information, such as privacy related access.

In addition to the above, findings from this study identify limitations of methods used in policy related research at an applied level and provide recommendations on how to improve data collection methodologies.

Findings from this study produced recommendations that benefit individuals, agencies, federal policy makers, and researchers. This study, however, also produced findings that affect how different stakeholder groups (i.e. individuals, federal policy makers, agency personnel, and researchers) assess and understand Privacy Act statutes. This study also produced findings that affect how different stakeholder groups assess and understand statutes of other privacy related laws and how statutes of these laws impact the protection of personal information contained in records maintained by agencies. Selected findings from this study that impact information-privacy protections include:

1. This study identified and assessed the relationship between the Privacy Act protections of disclosure, notice, access, and amendment. For example, disclosure and notice protections directly affect individuals’ ability to identify systems of records that include records that contain their personal information to request access to the records. In turn, access to agency records directly affects amendment of the records.

2. This study included a discussion on recognizing that the privacy information environment is a subset of a broader information policy environment. Factors that affect access to
government information in this broader information policy environment also affect access to privacy related information in the privacy-policy information environment.

3. Identifies specific areas where the Privacy Act does not provide protections of individuals’ personal data, such as:
   a. CMPPA provides limited protections for the use of personal data by recipient agencies, i.e. the intended use of the data when collected changes when shared with a recipient agency;
   b. Privacy Act statutes do not provide adequate protections for third party personal data. The Privacy Act does not contain any exemptions that restrict the release of records to individuals that contain a third party’s personal information;
   c. Privacy Act statutes do not adequately provide individuals access to agency records that contain their personal data. GAO studies have found that all agency systems of records contain some personal data. Individuals, however, only have access to Privacy Act defined systems of records where systems retrieve the records by personal identifier; and
   d. By default, limited access to agency records limits potential amendment of agency records by individuals. If an individual cannot access a record, the individual cannot review the record to insure that all personal data contained in the record is complete and accurate.

4. This study collected data from agency web sites; however, findings from this study identified key implementation and privacy protection limitations of the Privacy Act at the policy level.

5. This study provides evidence that the Privacy Act is out of date (Congress has not amended the Privacy Act since 1988), ineffective, and inefficient in today’s E-Government policy environment.

In addition to the impacts discussed above, the Privacy Act does not provide for electronic access to privacy related information or for standardized and interoperable agency web sites. The Privacy Act does not support E-Government initiatives.

The benefits and impacts presented above represent the scope and breadth of the findings of this study. Although data collection and analysis efforts focused specifically on access to agency records through selected agency web sites, this study produced broader, more robust
findings capable of identifying and analyzing issues at the information-privacy policy level. Policy level findings produced by this study enhance the identification and assessment of benefits and impacts that result from conducting policy research in a policy environment to assess and understand policy related issues.
APPENDIX A
DATA COLLECTION RESULTS: AGENCY WEB SITE SEARCHES

Introduction

Appendices A-C detail the results of three searches conducted to assess the Privacy Act access process for individuals to agency records. The searches occurred through sample agency web sites, the USA.gov search interface, and the Google.com search interface. The three searches provide comparable data for the assessment of type 3 guidance procedures located in sample sites that inform individuals on how to submit Privacy Act requests. Appendix A details agency web site search results, appendix B details USA.gov search results, and appendix C details Google.com search results.

Goal of Web Site Searches

The goal of conducting searches for agency provided type 3 guidance procedures is to understand the degree to which federal agency web sites provide information to individuals on how to make Privacy Act requests. Guidance procedures include information about the Privacy Act (type 1), how agencies respond to requests for access to Privacy Act records (type 2), and how to submit request for the records (type 3).

No located prior research assesses the extent agencies provide access through web sites, the types of procedures offered that provide information related to access to agency records, or the degree to which an individual can use located procedures to submit a Privacy Act request. To assess access to information through web sites, this study employs an exploratory, iterative, multi-method approach that includes:

- Usability study – provides measures related to the usability of web sites in terms of effectiveness, efficiency, and usefulness/satisfaction with the search process;
- Web-content review – provides measures of types of guidance procedures located;
- Privacy Act Requests assessment – provides an assessment of the degree to which individuals can submit Privacy Act requests based on information available through guidance procedures that inform individuals on how to submit requests; and
Privacy Act request submissions – provides detailed results of Privacy Act request submissions to selected agencies to determine how the selected agencies respond to individuals’ request for access to records. Results of these data collection efforts provide measures capable of determining the success with which agencies included in the study provide access to Privacy Act records.

**Data Collection Strategy**

The researcher for this study conducted all searches through agency web sites, USA.gov, and Google.com. Search phrases, however, for USA.gov and Google.com include the department or agency name as part of the search as searches do not begin in specific agency sites. As presented in the methodology chapter (see chapter 3), all searches follow a structured protocol to help insure reliability and validity of search results.

The researcher also recorded all searches to capture data collection efforts and to verify data collection results. Recorded searches improve the accuracy and precision of data collection efforts, which also improves reliability and validity of search results. As web interfaces are dynamic in nature and may change over time, recorded searches capture web interfaces as the researcher views them.

**Usability Study Results**

The usability study provides results related to steps needed to locate guidance procedures in departments and agencies (i.e. type 3 procedures). Usability measures include counts of steps taken to locate procedures, measures of actual time needed to locate the procedures, and an assessment of the page location of procedures. In addition, the usability study includes measures that indicate the quality of experience in terms of satisfaction as based on the sole researcher’s search experience.

**Usability Study Count Metrics**

Table A.1 below presents total count metrics by total number of located type 3 procedures. For count metrics (see columns 1-6 of table A.1 below), counts are presented as total counts per total number of associated procedures by department (row 1), agency (row 3), and a combination of both (row 5). Total numbers of sites directly associated with the total count
metrics appears in parentheses below each count/procedure (i.e. for rows 1, 3, and 5) and ratios (i.e. rows 2, 4, and 6).

For example, the results of columns 1 and 2 for row 1 indicate 103 total steps and 91 unique pages respectively for 34 procedures located in 13 departments (i.e. the number in parentheses). Total unproductive navigation choices, however, for column 3 of row 1 indicates only one unproductive navigation choice for one procedure in one department search site.

For column 1 row 2, the ratio of total steps (n = 103) per total number of located type 3 procedures (n = 34) for departments is 3.0/1. For column 1 row 4, the ratio of total steps (n = 134) per total number of located type 3 procedures (n = 53) for agencies is 2.5/1. Departments needed 20% more total steps on average to locate a single procedure than agencies. For column 1 row 6, the ratio of combined total steps (n = 237) per total number of located type 3 procedures (n = 87) for departments and agencies combined is 2.7/1.

Table A.1. Usability study count metrics

<table>
<thead>
<tr>
<th>Count metrics of Total Located Type 3 Guidance Procedures by Department and Agency</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Steps to Locate All procedures/Total # Procedures</td>
<td>103/34 (13)</td>
<td>91/34 (13)</td>
<td>1/1 (1)</td>
<td>11/7 (7)</td>
<td>3/2 (2)</td>
<td>3/2 (2)</td>
</tr>
<tr>
<td>Ratio of Counts/Procedures/Total # Procedures</td>
<td>3.0/1 (13)</td>
<td>2.7/1 (13)</td>
<td>1.0/1 (1)</td>
<td>1.6/1 (7)</td>
<td>1.5/1 (2)</td>
<td>1.5/1 (2)</td>
</tr>
<tr>
<td>Total Unique Pages/Total # Procedures</td>
<td></td>
<td>1/1 (1)</td>
<td></td>
<td>1.6/1 (7)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Unproductive Navigation Choices/Total # Procedures</td>
<td></td>
<td>1/1 (1)</td>
<td></td>
<td>1.6/1 (7)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Unproductive Search Choices/Total # Procedures</td>
<td></td>
<td>1/1 (1)</td>
<td></td>
<td>1.6/1 (7)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Number of Errors/Total # Procedures</td>
<td></td>
<td>1/1 (1)</td>
<td></td>
<td>1.6/1 (7)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Number Error recovery Steps/Total # Procedures</td>
<td></td>
<td>1/1 (1)</td>
<td></td>
<td>1.6/1 (7)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Sites with Procedures</td>
<td>237/87 (40)</td>
<td>231/87 (40)</td>
<td>1/1 (1)</td>
<td>20/14 (14)</td>
<td>3/2 (2)</td>
<td>3/2 (2)</td>
</tr>
<tr>
<td>Ratio of Counts/Procedure (Total Sites with Procedures)</td>
<td>2.7/1 (40)</td>
<td>2.7/1 (40)</td>
<td>1.0/1 (1)</td>
<td>1.4/1 (14)</td>
<td>1.5/1 (2)</td>
<td>1.5/1 (2)</td>
</tr>
</tbody>
</table>

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For column 2 row 2, the ratio of total unique pages (n = 91) to total number of located type 3 procedures (n = 34) for departments is 2.7/1. For column 2 row 4, the ratio of total unique pages (n = 140) to total number of located type 3 procedures (n = 53) for agencies is 2.6/1. On average, 4% more total unique pages were located per procedure by department than agency. For column 2 row 6, the ratio of total unique pages (n = 231) per total number of located type 3 procedures (n = 87) for departments and agencies combined is 2.7/1.

For columns 3-6, there were relatively few unproductive navigation choices (1 in 1 department, column 3), number of errors (3 in 2 departments, column 5), and error recoveries (3 in 2 departments, column 6). For column 4, there were 20 unproductive search choices in 14 departments and agencies with a ratio of 1.4/1 for 14 sites.

Procedure Page Location

Procedure page location is a usability metric collected in this study that refers to where a procedure is located on a page and whether a procedure is visible either in the web page window or visible page of a web document. The researcher counts procedure page locations as top, middle, or bottom of the page where middle and bottom locations are not visible in the web window or visible page of the web document.

Table A.2 below presents the results of page location counts by number of type 3 procedures located in departments, agencies, and combination of both. Column 1 provides the number of procedures located in all departments, agencies, and combination of both (i.e. rows 1-3 respectively). Column 2 provides counts of procedure locations by top, middle, and bottom. Column 3 provides percentages of procedure locations by top, middle, and bottom.

For column 3, 68% of procedures are located at the top of the page by department, 64% by agency, and 66% for departments and agencies combined. Results by middle of the page are 26% by department, 25% by agency, and 25% by combined. Results by bottom of the page are 6% by department, 11% by agency, and 9% by combined.

All middle and bottom located procedures appear below the web content window or in the middle or bottom of documents. For page location usability of the procedures, 66% of all
located procedures appear in the visible web window or the visible portion of the web document and 34% of all other located procedures are not initially viewable.

Table A.2. Guidance procedure page locations

<table>
<thead>
<tr>
<th>Guidance Procedure Page Locations</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Type 3 Procedures Located/Number of Sites With Procedures</td>
<td>Procedure Locations by Top, Middle, and Bottom of Page</td>
<td>Percentage Procedure Locations by Top, Middle, and Bottom of Page</td>
</tr>
<tr>
<td>1 Departments</td>
<td>34/13</td>
<td>23T, 9M, 2B</td>
<td>68%T, 26%M, 6%B</td>
</tr>
<tr>
<td>2 Agencies</td>
<td>53/27</td>
<td>34T, 13M, 6B</td>
<td>64%T, 25%M, 11%B</td>
</tr>
<tr>
<td>3 Departments and Agencies</td>
<td>87/40</td>
<td>57T, 22M, 8B</td>
<td>66%T, 25%M, 9%B</td>
</tr>
</tbody>
</table>

Usability Results: Time Metrics

Table A.3 below presents the results of timed searches for type 3 guidance procedures located in search sites that contain type 3 procedures.
Column 1 presents the total number of type 3 procedures located by total number of sites with type 3 procedures for departments, agencies, and a combination of both. Column 2 is the average time (i.e. in minutes: seconds) to locate the first type 3 procedure for each search site. Column 3 is the average time (i.e. in minutes: seconds) for location of remaining procedures.

In column 1, there are 34 type 3 procedures in 13 departments. The average time to locate first procedures (n = 13) is 4:27 and the average time to locate the additional 21 procedures (i.e. 34 minus 13) is 1:11. Of the 53 type 3 procedures located in 27 agencies, the average time to first procedures (n = 27) is 2:30 and the average time to locate the additional 26 type 3 procedures is 0:47. Of the combined 87 type 3 procedures in 40 sites, the average time to locate the first procedure (n = 40) is 3:10 and the average time to locate the additional 47 procedures is 0:58.

The first procedure was located, on average, 78% faster in agencies than in departments. The average time for each remaining located procedure in departments was 1:11 and for agencies, it was 0:47. Additional procedures were located, on average, 64% faster in agencies than departments.

**Usability Study: Usefulness Metrics**

Table A.4: Measures that indicate quality of experience in terms of level of agreement with each statement.

<table>
<thead>
<tr>
<th>Usefulness Metrics</th>
<th>Strongly disagree</th>
<th>Disagree</th>
<th>Undecided</th>
<th>Agree</th>
<th>Strongly agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Navigation through the site was intuitive.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>6%</td>
<td></td>
<td></td>
<td></td>
<td>94%</td>
</tr>
<tr>
<td>b. Search features were easy to locate and use.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>5%</td>
<td></td>
<td></td>
<td>93%</td>
<td>2%</td>
</tr>
<tr>
<td>c. Hierarchical order of documents found in results list of searches was relevant to user’s search phrases.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>33%</td>
<td>33%</td>
<td></td>
<td>20%</td>
<td>14%</td>
</tr>
<tr>
<td>d. Links to guidance procedures on web site pages were easy to locate</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>31%</td>
<td>5%</td>
<td>3%</td>
<td>53%</td>
<td>8%</td>
</tr>
<tr>
<td>e. It was easy to navigate back to the agency home page from Web pages that contained guidance procedures</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>14%</td>
<td>23%</td>
<td></td>
<td>58%</td>
<td>5%</td>
</tr>
</tbody>
</table>
The usability study’s usefulness metrics (see table A.4 above) provide results of measures that indicate quality of experience in terms of level of agreement with each statement. Measures of level of agreement occur by use of a five-point Likert scale with a range of numbered items for selection by a participant.

The range of items for this study, shown in figure A.4 above, include Strongly Disagree, Disagree, Undecided, Agree and Strongly Agree. The five statements, labeled a-e include selected standard usability assessments related to effectiveness and efficiency of searches. The percentages presented are the combined results of data collected from 16 departments and 48 agencies for 64 total sites assessed.

**Usability study: Located Guidance Procedures**

Table A.5 below contains two additional usability metrics, search steps located any type 1-3 guidance procedures (i.e. Y/N) and search located desired type 3 procedures. The two statements are standard usability assessments related to effectiveness of searches. The numbers presented are the combined results of data collected from 16 departments and 48 agencies for 64 total sites assessed.

<table>
<thead>
<tr>
<th>Locating Guidance Procedures Metrics</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Accomplished steps to locate procedures</td>
<td>51</td>
<td>13</td>
</tr>
<tr>
<td>2. Located desired type 3 procedures</td>
<td>41</td>
<td>23</td>
</tr>
</tbody>
</table>

Assessment occurred at the same time as the assessment of the usability-study usefulness metrics (table A.4 above). Location of procedures includes two desired results: 1) successful location of any type 1-3 procedures (row 1), and 2) location of type 3 procedures (row 2).
In row 1, 51 of 64 (80%) sampled sites contained at least 1 type 1-3 procedure and 13 of 64 (20%) sampled sites contained no procedures. In row 2, 41 of 64 (64%) sampled sites contained at least one type 3 procedure and 23 of 64 (36%) sampled sites contained no type 3 procedures.

**Web-Content Review**

The web content review identifies the types of procedures (i.e. types 1-3) located in departments and agencies. Table A.6 below presents the original types and kinds of guidance procedures initially identified during pre-data collection web site explorations and a description of information provided by each type.

<table>
<thead>
<tr>
<th>Guidance Procedure by Type</th>
<th>Initial Categories of Each Type</th>
<th>Information by Type</th>
</tr>
</thead>
</table>
| 1. Information about statutory provisions of the Privacy Act | A. Actual text of the Privacy Act  
B. Information about the Privacy Act | Provides information to both individuals and agencies related to statutory provisions of the Privacy Act |
| 2. Information of how agencies must respond to requests | C. Agency provided information on the agency’s role in addressing Privacy Act requests  
D. Department/other guidelines on the agency’s role in addressing Privacy Act requests | Provides instructions to agencies on how to respond to requests |
| 3. Information on how individuals may submit requests | E. Instruction only guidelines specific to how individuals should submit Privacy Act requests  
F. Forms specific to how individuals should submit Privacy Act requests | Provide guidance to individuals on how to request access to agency records. |

Percentages presented in the ensuing paragraphs of this section are based on the 51 total departments and agencies where procedures were located with agency searches. Overall, searches of sample sites located at least one guidance procedure (i.e. for types 1-3) in 94% of departments (i.e. 15 of 16 departments) and 75% of agencies (i.e. 36 of 48 agencies).
No guidance procedures of any kind were located using the structured search protocol in one department (i.e. 6%) or in 12 agencies (i.e. 25%) of the sample. In addition, there were 75 total procedures located through 15 departments and 101 total procedures located through 36 agencies for 176 type 1-3 procedures located through 51 of the 64 sampled sites.

Table A.7. Total type 1 and 2 procedures located in sample sites

<table>
<thead>
<tr>
<th>Total Type 1 and 2 Procedures Located</th>
<th>1A</th>
<th>1B</th>
<th>2C</th>
<th>2D</th>
<th>Total Procedures/Total Sites</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Procedures/Departments with Procedures</td>
<td>13/12</td>
<td>10/6</td>
<td>16/10</td>
<td>2/2</td>
<td>41/15</td>
</tr>
<tr>
<td>Total Procedures/Agencies with Procedures</td>
<td>16/16</td>
<td>10/7</td>
<td>22/19</td>
<td></td>
<td>48/36</td>
</tr>
<tr>
<td>Total Procedures/Total Sites with procedures</td>
<td>29/28</td>
<td>20/13</td>
<td>38/29</td>
<td>2/2</td>
<td>89/51</td>
</tr>
</tbody>
</table>

Table A.7 above presents a detailed breakdown of total type 1 and type 2 procedures by departments and agencies. As presented in the Total Procedures/Total Sites column (i.e. the far right column), there were a total of 41 type 1 and 2 procedures located in 15 departments, 48 type 1 and 2 procedures located in 36 agencies, and 89 total type 1 and 2 procedures located in 51 sites (i.e. department and agency combined).

Type 1A procedures are the actual text of the Privacy Act. For total sites with type 1A procedures (bottom row), 28 out of 51 sites, or 55% of the total search sites with procedures had at least one type 1A procedure and one site contained two type 1A procedures. By department, 80% (12/15) contained 1A procedures and by agency, 44% (16/36) contained 1A procedures.

Total type 1B procedures were located in 13 of 51 sites where a type 1B procedure provides information about the Privacy Act. By department, 40% (6/15) contained type 1B procedures and by agency, 14% (7/36) contained type 1B procedures. Of the 51 combined sites (i.e. departments and agencies) with procedures, 25% (13/51) contained type 1B procedures.

Type 2 procedures provide information related to how a department or agency responds to a Privacy Act request and there are two kinds of type 2 procedures. Type 2C procedures
provide information specific to how the department or agency searched responds to a request. For type 2C procedures, 38 procedures were located in 29 of the 51 sites (57%). By departments, 67% have type 2C procedures (i.e. 10/15 departments) and by agencies, 53% have type 2C procedures (i.e. 19/36 agencies). Type 2D procedures provide information related to how departments or agencies other than the site searched respond to a request. For type 2D procedures, two departments have one procedure each, i.e. 13% (2/15) of departments have type 2D procedures. No agencies searched have type 2D procedures.

Type 3 procedures also remained the same as to type and kinds of procedures identified during pre-data collection exploration (i.e. types 3E and 3F); however, for reporting of results, type 3E and 3F procedures are presented by subcategories to better represent findings. The breakdown by subcategories of 3E and 3F procedures includes:

- 3E-D – department provided procedures, meaning departments developed procedures on how to submit requests through their department. Some agencies use their departmentally produced procedures;
- 3E-A – departmental agency provided procedures, meaning departmental agencies developed procedures on how to submit requests through their agency;
- 3E-AO – agency procedures developed by non-departmental agencies and retrieved during the search process, such as procedures located in the federal government guide *Your Right to Federal Records*;
- 3E-O – procedures on how to submit requests provided by non-department or agency sources, such as procedures from federal guides on how to request information;
- 3F-D – forms developed by departments for submission at the departmental level;
- 3F-A – forms developed by agencies for submission at the agency level; and
- 3F-O – forms developed by non-department or agency sources, such as forms from federal guides or other non-department/agency sources.

The breakdown of type 3E and 3F procedures into subcategories is significant in determining if located procedures contain relevant information for submission of requests.

Type 3 results presented in table A.8 (below) provide counts of the total number of departments (13) and agencies (27) with located type 3 procedures by subcategories. As presented in the *Total Procedures/Total Sites* column (i.e. the far right column), there were a
total of 34 type 3 procedures located in 13 departments, 53 type 3 procedures located in 27 agencies, and 87 type 3 procedures located in 40 sites (i.e. department and agency combined).

Table A.8. Total type 3 procedures located in sample sites

<table>
<thead>
<tr>
<th>Total Type 3 Procedures Located by Subcategory</th>
<th>3E-D</th>
<th>3E-A</th>
<th>3E-AO</th>
<th>3E-O</th>
<th>3F-D</th>
<th>3F-A</th>
<th>3F-O</th>
<th>Total Procedures/ Total Sites</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Procedures/ Departments with Procedures</td>
<td>14/7</td>
<td>11/7</td>
<td>1/1</td>
<td>4/3</td>
<td>1/1</td>
<td>2/2</td>
<td>1/1</td>
<td>34/13</td>
</tr>
<tr>
<td>Total Procedures/ Agencies with Procedures</td>
<td>26/15</td>
<td>14/8</td>
<td>4/4</td>
<td>2/2</td>
<td>3/3</td>
<td>4/4</td>
<td></td>
<td>53/27</td>
</tr>
<tr>
<td>Total Procedures/ #Sites with Procedures</td>
<td>40/22</td>
<td>25/15</td>
<td>5/5</td>
<td>6/5</td>
<td>4/4</td>
<td>6/6</td>
<td>1/1</td>
<td>87/40</td>
</tr>
</tbody>
</table>

Type 3E-D procedures were located in 54% (7/13) of departments with type 3 procedures and 56% (15/27). Combined department and agency type 3E-D procedures make up 46% (40/87) of total type 3 procedures located. Type 3E-A procedures were located in 54% (7/13) of departments and 30% (8/27) of agencies. Combined department and agency type 3E-A procedures make up 28% (15/87) of total type 3 procedures.

Only one type 3E-AO procedure was located in one department web site and four were located in agencies (i.e. one per agency). Three department and two agency web sites contained six type 3E-O procedures. Combined department and agency type 3E-AO and type 3E-O procedures make up 13% (11/87) of type 3 procedures located. Eleven forms (i.e. type 3F-D, 3F-A, and 3F-O) were located in 11 total sites. Type 3F procedures make up 13% (11/87) of type 3 procedures located.

Privacy Act Requests

The Privacy Act request method provides measures based on 1) potential for submission of located guidance procedures and 2) response of agencies to actual submitted requests. Data
collection results are by assessment of potential for submission of each type 3 procedure and agency responses to actual submitted requests.

**Submission Potential for Type 3 Procedures**

The Privacy Act Requests assessment of procedures is an assessment of whether type 3 procedures, as located in sample sites provide minimal information for an individual to submit a request. Minimal requirements of procedures to determine the potential for submission include:

3) Procedures must inform individuals of their right to request access to agency records; and

4) Procedures must include a mailing address or fax number to submit the request.

Both one and two above are required to meet the minimum requirements of potential submission.

In addition to minimum requirements to determine potential for submission of locate procedures, the Privacy Act request assessment includes a rating system from most favorable to least favorable to rate potential submission of each located type 3 procedure. Table A.9 below provides the systematic scoring method (i.e. 1-3) from most favorable to least favorable.

<table>
<thead>
<tr>
<th>Score</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most Favorable</td>
<td>A single session occurs to complete a Privacy Act request process.</td>
</tr>
<tr>
<td>Least Favorable</td>
<td>More than one session occurs to complete a Privacy Act request process.</td>
</tr>
<tr>
<td></td>
<td>Not enough information</td>
</tr>
</tbody>
</table>

For a score of one, a single session (i.e. the content of a single procedure) provides the minimal information needed to submit a request. For a score of two, multiple linked sessions provide the minimal information needed for an individual to submit requests, i.e. a procedure provides a link to another procedure and the combined procedures provide the minimum required information for submission. Procedures without enough information to submit a request, individually or linked to other procedures receive a score of three.

The researcher collected data using a multi-step process. Table A.10 below provides the results of the Privacy Act request assessment for the first three data collection steps.
The initial step is to determine if procedures contain the minimal required information for submission. Results of the step 1 assessment are presented by total numbers of procedures that are designated either yes, potential for submission, or no, not enough information to submit (column 2).

Of the 34 type 3 procedures located in departments, 9% (3/34) contained minimal requirements of submission and 91% (31/34) did not contain minimal information needed for submission. Of the 53 type 3 procedures located in agencies, 17% (9/53) contained minimal requirements for submission and 83% (44/53) lacked minimal information needed for submission. Combined (see row 3), 14% of type 3 procedures contained the minimal information needed for submission and 86% (75/87) lacked the minimal required information.

The second step is to determine if a procedure contains any links to additional procedures that would allow for submission based on linking multiple procedures (column 3). Of the 31 step-one department procedures that lacked enough information for submission (i.e. the 31N), 26% (8/31) contained links to one or more other procedures that when combined would meet minimal requirements for submission. Of the 44 step one agency procedures that lacked enough information for submission, 25% (11/44) contained links to one or more other procedures that when combined would meet minimal requirements for submission.

<table>
<thead>
<tr>
<th>Privacy Act Request Results</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Procedures (# sites)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Can Submit From Initial Procedures Y/N (# Sites)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Can Submit “No’s” From Column 2 Using Linked Multiple Procedures Y/N (# Sites)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rating Total by Score of 1, 2, or 3</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department Totals/#Departments</td>
<td>34/13</td>
<td>3Y(3)</td>
<td>8Y(2)</td>
<td>3 - 1</td>
</tr>
<tr>
<td>Agency Totals/#Agencies</td>
<td>53/27</td>
<td>9Y(9)</td>
<td>11Y(4)</td>
<td>9 - 1</td>
</tr>
<tr>
<td>Total Procedures/Combined #Sites</td>
<td>87/40</td>
<td>12Y(12)</td>
<td>19Y(6)</td>
<td>12 - 1</td>
</tr>
</tbody>
</table>
Overall, of the 87 type 3 procedures (i.e. combined department and agency) presented in
columns two and three:

- 14% (12/87) contained enough information for submission;
- 22% (19/87) contained enough information for submission when linked to other
procedures; and

Sixty-four percent of type 3 procedures (56/87) did not contain enough information or link to
other procedures to allow submission.

The third step to determine the submission potential for type 3 procedures is rating each
procedure using a 1-3 rating scale (column 4). Of the 87 type 3 procedures (see row three), 12
are rated 1 as most favorable for submission, 19 are rated 2, and 56 are rated 3 as least favorable
for submission.

Table A.11 below presents the results of the fourth step of the process, determination of
why a procedure does not contain enough information, or the right kind of information for
consideration as favorable for submission. Since this assessment is of the content of each
procedure, linked multiple procedures are not included.

Column 1 provides the total number of type 3 procedures located and column 2 provides
the numbers of procedures with minimal information needed for submission and those without
minimal information (i.e. columns 1 and 2 originated in figure 5.10 above). Columns 3-6 provide
counts by four general categories that describe why procedures do not contain enough, or the
right information for submission. The general categories include:

- Federal Guidance Procedures – typically contain enough information for individuals to
understand the Privacy Act requests and to a degree the types of information agencies
require for submission; however, the federal guidance procedures lack information
regarding department and agency contacts;
- Not enough information – the procedures do not meet the minimum requirements for
submission as discussed earlier in this section, i.e. they do not have enough information
in the procedure to inform individuals on how to submit requests or they lack
contact/mailing information; and
- Wrong request contact – the contact information contained in procedures does not match
the information needed to contact a search agency, i.e. contact information for the U.S.
Department of Agriculture, Agriculture Marketing Agency is not useful for a request to the U.S. Department of Agriculture Farm Service Agency.

The electronic submission form, the fourth category (column 6), is included as a non-submissable procedure even though it is an online form.

Table A.11. Assessment of procedures not submissable from initial located procedure

| Assessment of Procedures Not Submissable from Initial Procedure (Columns 3-6) |
|-----------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|                             | 1               | 2               | 3               | 4               | 5               | 6               |
| Total Type 3 Procedures     | 34              | 3Y              | 6               | 13              | 11              | 1               |
| Can Submit From Initial Procedure (Y/N) | 31N             |                 |                 |                 |                 |                 |
| Federal Guidance Procedure  |                 |                 |                 |                 |                 |                 |
| Not Enough Information      |                 |                 |                 |                 |                 |                 |
| Wrong Request Contact       |                 |                 |                 |                 |                 |                 |
| Electronic Submission Form  |                 |                 |                 |                 |                 |                 |
| Department Totals           | 53              | 9Y              | 11              | 17              | 16              |                 |
| Agency Totals               |                 | 44N             |                 |                 |                 |                 |
| Total Procedures            | 87              | 12Y             | 17              | 30              | 27              | 1               |
| (Y/N)                       | 75N             |                 |                 |                 |                 |                 |

Privacy Act statutes, OMB guidance, and the majority of located department-created guidance on how individuals make Privacy Act request require submission of signed requests by mail or submitted to an agency in person. The electronic submission form does not fit into any guidelines, so for this study, it is not included as a submissable request. The researcher noted the electronic submission as an anomaly of sorts.

Row 3 for columns 3-5 from figure A.16 above provide counts by general categories for procedures that do not have enough information for individuals to submit requests. Column 3 presents counts of federal guidance procedures located through departments and agencies. Twenty percent (17/87) of located type 3 procedures are federal guidance procedures. For column four, 34% (30/87) of procedures do not include enough information to submit requests; and for column five, 31% (27/81) of procedures have contact information that is different from contact information needed for submission to a specific department or agency.
Altogether, 86% of all located type 3 procedures fall under one of the categories listed in columns 3-5 that describe why individuals cannot use the procedures to submit requests. Only 14% of located type 3 procedures (12/87) from 64 sample sites include procedures that contain minimum required information for individuals to use to submit Privacy Act requests.

**Privacy Act Requests: Submitted Requests**

The purpose of submitting requests to departments is to obtain data related to how departments and/or agencies respond to actual submitted Privacy Act requests and to obtain information related to the time it takes agencies to respond to the request. Some type 3 guidance procedures, located though the agency search process include department and agency reported response times. Other procedures refer to departments and agencies following FOIA required response times. The Citizen’s Guide suggests that all agencies should follow FOIA guidelines.

All response times included in located procedures are by workdays and do not include weekends or holidays. All references to response times located in type 3 procedures include one or more of the following time spans that include:

- Agency notifies requestor of received request in 3-5 work days;
- Agency notifies requestor of received request in 10 work days;
- Agency requires up to 20 additional work days for response to request; and
- Agency may respond that it requires a 10-day extension (or longer as specified) to complete request.

Bullets 2-4 above are all required FOIA request response times; however, departments and agencies do not all refer to their response times as FOIA related. In addition, some departments and agencies report that responses to FOIA and Privacy Act requests will take longer than usual due to added security procedures.

For the actual submission process, the researcher submitted 10 requests to selected departments that potentially have, or whose agencies potentially have Privacy Act records that contain the researcher’s personal information. The researcher submitted the 10 requests on October 5, 2008. As of December 6, 2008, seven departments or agencies responded and three departments or agencies did not respond.

Table A.12 below provides an overview of response times in workdays from the seven departments/agencies that responded to requests. Column 1 reports the total number of workdays
from the submission date (i.e. October 5, 2008) until the department/agency reported date of receipt of the request (if available). Column 2 above reports the total number of work days from the department reported receipt date until the department/agency reported response back date.

Table A.12. Provides an overview of response events by number of workdays

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total #Work Days From Submission Date Until Department/Agency Reported Receipt of Request</strong></td>
<td><strong>Total #Work Days From Department Reported Receipt Date of Response Until Department/Agency Reported Response Back Date</strong></td>
<td><strong>Total #Work Days From Department/Agency Reported Response Back Date to Date Response was Received from Departments/Agencies</strong></td>
<td><strong>Total #Work Days From First Response Back From Departments/Agencies Received</strong></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>No Response</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>7</td>
<td>3</td>
<td>2</td>
<td>10</td>
</tr>
<tr>
<td>3</td>
<td>9</td>
<td>1</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>4</td>
<td>*D/K</td>
<td><strong>11</strong></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>34</td>
<td>4</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>No Response</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>21</td>
<td>3</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>No Response</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>15</td>
<td>5</td>
<td>2</td>
<td>14</td>
</tr>
<tr>
<td>10</td>
<td>5</td>
<td>3</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

*D/K – Department did not report date of receipt of initial request
** - Actual days from submission date until department reported response date

Column 3 reports the total number of days from department/agency reported response to receipt by the requester of the response. Column 4 reports time in workdays from requester receipt of initial response from departments/agencies until time in workdays of requester receipt of a second response.
Table A.13. Provides general information related to submitted requests to departments

<table>
<thead>
<tr>
<th></th>
<th>Department Supplied “Submit to” Information:</th>
<th>Initial Response From:</th>
<th>Privacy Act or FOIA Request</th>
<th>Response Mentions Privacy Act Request</th>
<th>Actions of Department or Agency</th>
<th>Second Response From:</th>
<th>Actions of Department or Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>FOIA Officer</td>
<td>No response</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Information Management Officer</td>
<td>Information Management Officer</td>
<td>FOIA Request</td>
<td>No</td>
<td>Assigned FOIA Control Number</td>
<td>Agency Privacy Act Officer</td>
<td>Did not receive copy of request; send more Information</td>
</tr>
<tr>
<td>3</td>
<td>FOIA Officer</td>
<td>Information Resources Officer</td>
<td>Privacy Act Request</td>
<td>Yes</td>
<td>Assigned FOIA Control Number</td>
<td>Response from Department; Unknown Position Title</td>
<td>Phone message from the departmental agency to call them back. No answer for two callback attempts.</td>
</tr>
<tr>
<td>4</td>
<td>Privacy Officer</td>
<td>Director, FOI/Privacy Act Division</td>
<td>FOIA Request</td>
<td>No</td>
<td>Closed File; no files match request</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>FOIA Officer</td>
<td>Associate Director, Disclosure &amp; FOIA Operations</td>
<td>Privacy Act Request</td>
<td>Yes</td>
<td>Do not collect requested information</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Privacy Act Officer</td>
<td>No response</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Information Officer</td>
<td>Chief of Staff, Information and Privacy Office</td>
<td>FOIA Request</td>
<td>Yes</td>
<td>Closed File; no files match requests</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Information Officer</td>
<td>No response</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Privacy Officer</td>
<td>FOIA Officer</td>
<td>Privacy Act Request</td>
<td>Yes</td>
<td>Forwarded request to FOIA Officer</td>
<td>Chief, Office of Law Enforcem ent</td>
<td>Closed file; no information located per original request</td>
</tr>
<tr>
<td>10</td>
<td>FOIA/Privacy Act Contact</td>
<td>FOIA Officer</td>
<td>FOIA Request</td>
<td>No</td>
<td>Processing</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
In addition to the response time reported in table A.12, the researcher collected content information from department and agency response letters. Table A.13 above presents the content information by department and agency response actions (columns 1-6).

Content information from department and agency response letters describe the original contact position title for the 10 submitted requests (column 1), the content of six initial department/agency response letters (columns 2-5), and the content of one department and one agency second responses (columns 6-7). Column 1 lists department supplied contact position titles for the 10 submitted requests of the study.

Columns 2-5 describe the title of the individuals who responded to a request (column 2), whether the department or agency lists the response as a Privacy Act or FOIA request (column 3), whether the body of the letter includes the phrase Privacy Act (column 4), and planned department or agency actions to address the request (column 5). Column 6 provides the title of the individual who sent a second response from the department or agency and column 7 presents planned department or agency actions needed to process the request.

Submissions that received “No Response” appear in rows 1, 6, and 8 of column 2. These three departments have not responded to original requests.

Appendix A Summary

Appendix A presents detailed results of data collection efforts designed to understand how agency web sites provide information related to access for individuals to agency records by means of guidance procedures. The goal of conducting department and agency web site searches is to understand the degree to which federal department and agency web sites inform individuals on how to make a Privacy Act request.

Results of the usability study provide metrics related to the effectiveness and efficiency of searches to locate guidance procedures in web sites. Results of the Web-content review provide information related to the types and kinds of procedures located from searches through agency web sites.

The Privacy Act review assessment provides results related to the degree to which located type 3 procedures contain enough minimum information for individuals to submit
requests. The Privacy Act review also includes an assessment of submitted requests to selected departments. The results provide data related to how departments and agencies respond to submitted requests. The results also include an overview of the content of response letters received from departments or agencies where the overview provides brief descriptions of letter content and insights into the response process of departments and agencies.

Appendix B presents the results of the USA.gov searches designed to locate, identify, and assess guidance procedures. Results of the USA.gov searches provide comparable results to agency web-search results and Google.com search results.
APPENDIX B
DATA COLLECTION RESULTS: USA.GOV SEARCHES

Introduction

Appendix B details results collected from USA.gov searches to assess Privacy Act access for individuals to agency records. Searches conducted through USA.gov provide data for comparison to agency web site and Google.com searches. The goal of conducting searches through USA.gov is to locate type 3 guidance procedures in the study’s sample sites that provide information to individuals on how to make Privacy Act requests.

To assess access to information through web sites, The USA.gov search employs an exploratory, iterative, multi-method approach that includes:

- Usability study – provides measures related to the usability of web sites in terms of effectiveness, efficiency, and usefulness/satisfaction with the search process;
- Web-content review – provides measures of types of guidance procedures located; and
- Privacy Act Requests assessment – provides an assessment of the degree to which individuals can submit Privacy Act requests based on information available through guidance procedures that inform individuals on how to submit requests.

Data collected from these methods for the USA.gov search does not include the capture of information related to type 1 or 2 guidance procedures and does not include results from submitted Privacy Act requests.

Results of these data collection efforts, however, do provide measures capable of determining the success with which agencies included in the study provide access to Privacy Act records. The USA.gov data collection strategy includes searches of the study’s sample sites, follows the study’s protocol, and the researcher recorded all searches to capture data collection efforts and to verify data collection results.

USA.gov is the “U.S. government’s official web portal” developed to make “it easy for the public to get U.S. government information and services on the web” (USA.gov, 2008). The USA.gov web site states that “Whatever you want or need from the U.S. government, it’s here on USA.gov” (Office, 2008).
Figure B.1 below is a screen shot of the USA.gov home page. All 64 searches begin at this page. Search phrases for USA.gov include the department or agency name as part of the search as searches do not begin in agency web sites.

Figure B.1: USA.gov home page

Figure B.2 below provides an example of a search result page following a search with the phrase Department of the Interior privacy act requests.
Usability Study

The usability study provides results related to steps needed to locate guidance procedures in departments and agencies (i.e. type 3 procedures). Usability measures include counts of steps taken to locate procedures, measures of actual time needed to locate the procedures, and an assessment of the page location of procedures. In addition, the usability study includes measures that indicate the quality of experience in terms of satisfaction as based on the sole researcher’s search experience.

Usability Study Count Metrics

Table B.1 below presents total count metrics by number of located type 3 procedures. For count metrics (see columns 1-6 below), counts are presented as total counts per total number of associated procedures by department (row 1), agency (row 3), and a combination of both (row 5).
For example, the results of columns 1 and 2 for row 1 indicate 31 total steps to locate 19 procedures and identify 31 total unique pages in 31 procedures respectively. The 31 procedures were located in 10 departments (i.e. the number in parentheses). For the USA.gov search, there are no counts listed under columns 3-6 as there were no unproductive navigation choices made (column 3), no unproductive search choices selected (column 4), and no errors located (column 5) or error recoveries needed (column 6) for the 64 total searches conducted.
For column 1 row 2, the ratio of total steps (n = 31) per total number of located type 3 procedures (n = 19) for departments is 1.6/1. For column 1 row 4, the ratio of total steps (n = 49) per total number of located type 3 procedures (n = 28) for agencies is 1.8/1. Departments needed 11% fewer total steps on average to locate a single procedure than agencies. For column 1 row 6, the ratio of combined total steps (n = 80) per total number of located type 3 procedures (n = 47) for departments and agencies combined is 1.7/1.

For column 2 row 2, the ratio of total unique pages (n = 31) to total number of located type 3 procedures (n = 19) for departments is 1.6/1. For column 2 row 4, the ratio of total unique pages (n = 42) to total number of located type 3 procedures (n = 28) for agencies is 1.5/1. On average, 6% more total unique pages were located per procedure by department than agency. For column 2 row 6, the ratio of total unique pages (n = 73) per total number of located type 3 procedures (n = 47) for departments and agencies combined is 1.6/1.

Procedure Page Location Results

Procedure page location is a usability metric collected in this study that refers to where a procedure is located on a page and whether a procedure is visible either in the web page window or visible page of a web document. The researcher counts procedure page locations as top, middle, or bottom of the page where middle and bottom locations are not visible in the web window or visible page of the web document.

Table B.2. Guidance procedure page locations

<table>
<thead>
<tr>
<th>Guidance Procedure Page Locations</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Type 3 Procedures Located/Number of Sites With Procedures</td>
<td>Procedure Locations by Top, Middle, and Bottom of Page</td>
<td>Percentage Procedure Locations by Top, Middle, and Bottom of Page</td>
</tr>
<tr>
<td>1 Departments</td>
<td>19/10</td>
<td>16T, 1M, 2B</td>
<td>85%T, 5%M, 10%B</td>
</tr>
<tr>
<td>2 Agencies</td>
<td>28/11</td>
<td>20T, 1M, 7B</td>
<td>71%T, 4%M, 25%B</td>
</tr>
<tr>
<td>3 Departments and Agencies</td>
<td>47/21</td>
<td>36T, 2M, 9B</td>
<td>76%T, 4%M, 20%B</td>
</tr>
</tbody>
</table>
Table B.2 above presents the results of page location counts by number of type 3 procedures located in departments, agencies, and a combination of both. Column 1 provides the number of procedures located in all departments, agencies, and combination of both (i.e. rows 1-3 respectively). Column 2 provides counts of procedure location by top, middle, and bottom. Column 3 provides percentages of procedure location by top, middle, and bottom.

For column 3, 85% of procedures are located at the top of the page by department, 71% by agency, and 76% for departments and agencies combined. Results by middle of the page are 5% by department, 4% by agency, and 4% by combined. Results by bottom of the page are 10% by department, 25% by agency, and 20% by combined.

All middle and bottom located procedures appear below the web content window or in the middle or bottom of documents. For page location usability of the procedures, 76% of all located procedures appear in the visible window or the visible portion of the web document and 24% of all other located procedures are not initially viewable.

**Usability Results: Time Metrics**

Table B.3 below presents the results of timed searches for type 3 guidance procedures located in search sites where type 3 procedures were located. Column 1 presents the total number of type 3 procedures located by total number of sites with type 3 procedures for departments, agencies, and a combination of both. Column 2 is the average time (i.e. in minutes: seconds) to locate the first type 3 procedure for each search site. Column 3 is the average time (i.e. in minutes: seconds) for location of remaining procedures.

In column 1, there are 19 type 3 procedures in 10 departments. The average time to locate first procedures (n = 10) is 1:06 and the average time to locate the additional nine procedures (i.e. 19 minus 10) is 0:13. For the 28 procedures located in 11 agencies, the average time to locate the first procedures (n = 11) is 1:07 and the average time to locate the additional 17 is 0:15. Of the combined 47 type 3 procedures in 21 sites, the average time to locate the first procedure (n = 21) is 1:07 and the average time to locate the additional 26 procedures is 0:14.
Table B.3 Usability study time metrics

<table>
<thead>
<tr>
<th>Time Metrics by Department and Agency</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total 3E-* and 3F-* Procedures Located/Total Sites</td>
<td>19/10</td>
<td>1.06</td>
<td>0.13</td>
</tr>
<tr>
<td>Average Time to Locate 1st Procedure (Min:Sec)</td>
<td>1.07</td>
<td>0.15</td>
<td></td>
</tr>
<tr>
<td>Average Time to Locate Other Procedures (Min:Sec)</td>
<td>1.07</td>
<td>0.14</td>
<td></td>
</tr>
</tbody>
</table>

Departments

Agencies

Departments and Agencies Combined

Web Content Review

Results below present type 3 procedures based on the total number of departments (10) and agencies (11) with located type 3 procedures. Table B.4 below presents the breakdown of type 3 procedures by type and subcategory. As presented in the Total Procedures/Total Sites column (i.e. the far right column), there were a total of 19 type 3 procedures located in 10 departments, 28 type 3 procedures located in 11 agencies, and 47 type 3 procedures located in 21 sample sites (i.e. department and agency combined).

Table B.4. Total type 3 procedures located in sample sites

<table>
<thead>
<tr>
<th>Total Type 3 Procedures Located by Category</th>
<th>3E-D</th>
<th>3E-DO</th>
<th>3E-A</th>
<th>3E-AO</th>
<th>3F-D</th>
<th>3F-A</th>
<th>3F-O</th>
<th>Total Procedures/Total Sites</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Procedures/Departments with Procedures</td>
<td>13/8</td>
<td>4/3</td>
<td>2/2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>19/10</td>
</tr>
<tr>
<td>Total Procedures/Agencies with Procedures</td>
<td>12/6</td>
<td>3/1</td>
<td>3/2</td>
<td>4/3</td>
<td>2/2</td>
<td>1/1</td>
<td>3/2</td>
<td>28/11</td>
</tr>
<tr>
<td>Total Procedures/#Sites with Procedures</td>
<td>25/14</td>
<td>3/1</td>
<td>7/5</td>
<td>4/3</td>
<td>4/3</td>
<td>1/1</td>
<td>3/2</td>
<td>47/21</td>
</tr>
</tbody>
</table>
Type 3E-D procedures were located in 80% of departments (i.e. 8/10 departments with type 3 procedures) and 55% of agencies (i.e. 6/11 agencies with type 3 procedures). The total number of type 3E-D procedures located (i.e. 25) is 53% of the 47 total type 3 procedures. Type 3E-DO procedures are other department procedures (i.e. other departments not related to the department or agency searched). Type 3E-DO procedures were located in no departments and 9% (1/11) of agencies and make up 2% of the 47 total type 3 procedures located.

Type 3E-A procedures were located in 30% (3/10) of departments and 18% (3/11) of agencies. Combined department and agency type 3E-A procedures make up 24% of the 47 total type 3 procedures located. No type 3E-AO procedures were located in departments and four were located in three agencies (i.e. 27% of agencies). Combined department and agency type 3E-AO procedures make up 9% (4/47) of the 47 type 3 procedures located.

Type 3F procedures are Privacy Act request forms available for individuals. Eight forms (i.e. type 3F-D, 3F-A, and 3F-O) were located in six web sites (i.e. department and agency). Type 3F procedures make up 17% (8/47) of the 47 type 3 procedures located.

**Privacy Act Requests**

The Privacy Act Requests assessment of procedures is an assessment of whether type 3 procedures, as located in sample sites provide enough information for an individual to submit a request. Minimal requirements of procedures to determine the potential for submission include:

5) Procedures must supply a minimum of information on how to submit a request, i.e. the procedure must inform individuals of their right to request access to agency records; and

6) Procedures must include a mailing address or fax number to submit the request.

Both 1 and 2 above are required to meet the minimum requirements of potential submission.

The researcher scores guidance procedures that contain information for individuals on how to submit requests from most favorable to least favorable by session where a single session is marked from a start point to an end where the end is the potential to submit requests based on the content of the single procedure. For example, having to email an agency for the name of a contact person or the name of the correct agency to submit a request where the requester must stop a session while waiting for an action to occur ends a session.
Table B.5 below provides the systematic scoring method used that lists most favorable to least favorable. For a score of one, a single session (i.e. the content of a procedure) provides enough potential information to submit requests. For a score of two, multiple linked sessions provide enough potential information for an individual to submit requests, i.e. a procedure provides a link to another procedure and the combined procedures provide the minimum required information for submission. Procedures that do not provide enough potential information to submit a request receive a score of three.

<table>
<thead>
<tr>
<th>Score</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most Favorable to Least Favorable</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>A single session occurs to complete a Privacy Act request process.</td>
</tr>
<tr>
<td>2</td>
<td>More than one session occurs to complete a Privacy Act request process.</td>
</tr>
<tr>
<td>3</td>
<td>No process available to assess.</td>
</tr>
</tbody>
</table>

The researcher collected data using a multi-step process. Table B.6 below provides the results of the Privacy Act request assessment for the first three data collection steps.

Table B.6. Privacy Act request assessment results

<table>
<thead>
<tr>
<th>Privacy Act Request Results</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Procedures (# sites)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department Totals</td>
<td>19/10</td>
<td>2Y(2)</td>
<td>3Y(1)</td>
<td>2 (1)</td>
</tr>
<tr>
<td>Agency Totals</td>
<td>28/11</td>
<td>7Y(6)</td>
<td>3Y(1)</td>
<td>7 (1)</td>
</tr>
<tr>
<td>Total Procedures</td>
<td>47/21</td>
<td>9Y(8)</td>
<td>6Y(2)</td>
<td>9 (1)</td>
</tr>
<tr>
<td>Can Submit From Initial Procedures Y/N (# Sites)</td>
<td></td>
<td>17N(8)</td>
<td>14N(7)</td>
<td>3 (2)</td>
</tr>
<tr>
<td>Can Submit “No’s” From Column 2 Using Linked Multiple Procedures Y/N (# Sites)</td>
<td></td>
<td>21N(5)</td>
<td>18N(4)</td>
<td>14 (3)</td>
</tr>
<tr>
<td>Rating Total by Score of 1, 2, or 3</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department Totals</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agency Totals</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Procedures</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The initial step is to determine if procedures contain the minimal required information for submission. Results of the step 1 assessment are presented by total numbers of procedures that are designated either yes, potential for submission, or no, not enough information to submit (column 2).

Of the 19 type 3 procedures located in departments, 11% contained minimal requirements of submission (2/19) and 89% did not contain minimal information needed for submission (17/19). Of the 28 type 3 procedures located in agencies, 25% contained minimal requirements for submission (7/28) and 75% lacked minimal information for submission (21/28). Combined (see row 3), 19% of type 3 procedures contained the minimal information needed for submission (9/47) and 81% lacked minimal information for submission (38/47).

The second step is to determine if a procedure contains any links to additional procedures that would allow for submission based on linking multiple procedures (column 3). Of the 17 step one department procedures that lacked enough information for submission, 18% (3/17) contained links to one or more other procedures that when combined would meet minimal requirements for submission. Of the 21 step one agency procedures that lacked enough information for submission, 14% (3/21) contained links to one or more other procedures that when combined would meet minimal requirements for submission. Overall, of the 47 type 3 procedures (i.e. combined department and agency) presented in columns two and three:

- 19% (9/47) contained enough information for submission; and
- 13% (6/47) contained enough information for submission when linked to other procedures.

Sixty-four percent of type 3 procedures (32/47) did not contain enough information or link to other procedures to allow submission.

The third step to determine the submission potential for type 3 procedures is rating each procedure using a 1-3 rating scale (column 4). Of the 47 type 3 procedures (see row three), nine are rated 1 as most favorable, six are rated 2, and 32 are rated 3 as least favorable for submission.

Table B.7 below presents the results of the fourth step of the process, determination of why a procedure does not contain enough information, or the right kind of information for consideration as favorable for submission. Since this assessment is of the content of each procedure, linked multiple procedures are not included.
Table B.7. Assessment of procedures not submissable from initial located procedure

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Total Type 3 Procedures</td>
<td>Can Submit From Initial Procedure (Y/N)</td>
<td>Not Enough Information</td>
</tr>
<tr>
<td>Department</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td>19</td>
<td>2Y</td>
<td>17N</td>
</tr>
<tr>
<td>Agency</td>
<td></td>
<td></td>
<td>7Y</td>
<td>21N</td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td>28</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Procedures</td>
<td></td>
<td>47</td>
<td>9Y</td>
<td>38N</td>
</tr>
</tbody>
</table>

Column one from table B.7 provides the total number of type 3 procedures located and column two provides the numbers of procedures with minimal information needed for submission (Y) and those without minimal information (N). Columns 3 and 4 provide counts by two general categories that describe why procedures do not contain enough, or the right information for submission. The general categories include:

- **Not enough information** – the procedures do not meet the minimum requirements for submission as discussed earlier in this section, i.e. they do not have enough information in the procedure to inform individuals on how to submit requests; i.e. typically the procedures lack contact/mailing information; and

- **Wrong request contact** – when searching departments and agencies for guidance procedures on how to submit a request, the search hits contained a number of links to procedures of other agencies. Procedures from other agencies do not contain information...
on how to make a request for the searched sample site, particularly information related to where to send requests (i.e. contact information).

Results presented below are based on these two categories as presented in figure 6.9.

Of the 17 department procedures that do not have enough information for submission, 82% (14/17) do not include enough information to submit requests and 18% (3/17) of procedures have the wrong contact information. Of the 21 agency procedures that do not have enough information for submission, 48% (10/21) do not include enough information to submit requests and 52% (11/21) of procedures have the wrong contact information.

Altogether, 81% (38/47) of all located type 3 procedures fall under one of the categories listed in columns 3-4 that describe why individuals cannot use the procedures to submit requests. Only 19% of located type 3 procedures (9/47) contain minimum required information for individuals to use to submit Privacy Act requests.

Appendix B Summary

Appendix B presents detailed results of data collection efforts from USA.gov searches that are designed to understand how agency web sites provide information related to access for individuals to agency records by means of guidance procedures. The goal of conducting department and agency web site searches is to understand the degree to which federal department and agency web sites inform individuals on how to make a Privacy Act request.

Results of the usability study provide metrics related to the effectiveness and efficiency of searches to locate guidance procedures in web sites. Results of the Web-content review provide information related to the types and kinds of procedures located from searches through agency web sites. The Privacy Act review assessment provides results related to the degree to which located type 3 procedures contain enough minimum information for individuals to submit requests.

Appendix C presents the results of the Google.com searches designed to locate, identify, and assess guidance procedures. Results of the Google.com searches provide comparable results to agency web-search results and USA.gov search results.
APPENDIX C
DATA COLLECTION RESULTS – GOOGLE.COM SEARCHES

Introduction

Appendix C details the results collected from Google.com searches to assess Privacy Act access for individuals to agency records. Searches conducted through Google.com provide data for comparison to agency web site and USA.com searches. The goal of conducting searches through Google.com is to locate type 3 guidance procedures in the study’s sample sites that provide information to individuals on how to make Privacy Act requests.

To assess access to information through web sites, The Google.com search employs an exploratory, iterative, multi-method approach that includes:

- Usability study – provides measures related to the usability of web sites in terms of effectiveness, efficiency, and usefulness/satisfaction with the search process;
- Web-content review – provides measures of types of guidance procedures located; and
- Privacy Act Requests assessment – provides an assessment of the degree to which individuals can submit Privacy Act requests based on information available through guidance procedures that inform individuals on how to submit requests.

Data collected from these methods for the Google.com search does not include the capture of information related to type 1 or 2 guidance procedures and does not include results from submitted Privacy Act requests.

Results of these data collection efforts, however, do provide measures capable of determining the success with which agencies included in the study provide access to Privacy Act records. The Google.com data collection strategy includes searches of the study’s sample sites, follows the study’s protocol, and the researcher recorded all searches to capture data collection efforts and to verify data collection results.

Google is a generally accepted and used Internet search engine that individuals use to locate information that includes access to government information services and resources. Google is designed to “organize the world’s information and make it universally accessible and useful” (Google, 2008). Figure C.1 below is a screen shot of the Google search interface. Search phrases for Google.com include the department or agency name as part of the search as searches do not begin in agency web sites.
Figure C.1: Google search page

Figure C.2 below provides an example of hits following a search with the phrase

*Department of the Interior privacy act requests.*
Usability Study

The usability study provides results related to steps needed to locate guidance procedures in departments and agencies (i.e. type 3 procedures). Usability measures include counts of steps taken to locate procedures, measures of actual time needed to locate the procedures, and an assessment of the page location of procedures. In addition, the usability study includes measures that indicate the quality of experience in terms of satisfaction as based on the sole researcher’s search experience.

Usability Study Count Metrics

Table C.1 below presents total count metrics by number of located type 3 procedures. For count metrics (see columns 1-6 below), counts are presented as total counts per total number of
associated procedures by department (row 1), agency (row 3), and a combination of both (row 5). Total numbers of sites directly associated with the total count metrics appear in parentheses below each count/procedure (i.e. for rows 1, 3, and 5) and ratios (i.e. rows 2, 4, and 6).

Table C.1. Usability study count metrics

<table>
<thead>
<tr>
<th>Count metrics of Total Located Type 3 Guidance Procedures by Department and Agency</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Steps to Locate All procedures/Total # Procedures</td>
<td>48/29 (13)</td>
<td>44/29 (13)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Unique Pages/Total # Procedures</td>
<td></td>
<td></td>
<td>1.6/1 (13)</td>
<td>1.5/1 (13)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Unproductive Navigation Choices/Total # Procedures</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Unproductive Search Choices/Total # Procedures</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Number of Errors/Total # Procedures</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Number Error recovery Steps/Total # Procedures</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

For example, the results of columns 1 and 2 for row 1 indicate 48 total steps to locate 29 procedures and identify 44 unique pages in 29 procedures respectively. The 29 procedures were located in 13 departments (i.e. the number in parentheses). For the Google.com search, there are no counts listed under columns 3-6 as there were no unproductive navigation choices made (column 3), no unproductive search choices selected (column 4), and no errors located (column 5) or error recoveries needed (column 6) for the 64 total searches conducted.
For column 1 row 2, the ratio of total steps (n = 48) per total number of located type 3 procedures (n = 29) for departments is 1.6/1. For column 1 row 4, the ratio of total steps (n = 34) per total number of located type 3 procedures (n = 29) for agencies is 1.2/1. Departments needed 33% more total steps on average to locate a single procedure than agencies. For column 1 row 6, the ratio of combined total steps (n = 82) per total number of located type 3 procedures (n = 58) for departments and agencies combined is 1.4/1.

For column 2 row 2, the ratio of total unique pages (n = 44) to total number of located type 3 procedures (n = 29) for departments is 1.5/1. For column 2 row 4, the ratio of total unique pages (n = 36) to total number of located type 3 procedures (n = 29) for agencies is 1.2/1. On average, 25% more total unique pages were located per procedure by department than agency. For column 2 row 6, the ratio of total unique pages (n = 80) per total number of located type 3 procedures (n = 58) for departments and agencies combined is 1.4/1.

**Procedure Page Location Results**

Procedure page location is a usability metric collected in this study that refers to where a procedure is located on a page and whether a procedure is visible either in the web page window or visible page of a web document. The researcher counts procedure page locations as top, middle, or bottom of the page where middle and bottom locations are not visible in the web window or visible page of the web document.

<table>
<thead>
<tr>
<th>Guidance Procedure Page Locations</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type 3 Procedures Located/Number of Sites With Procedures</strong></td>
<td>29/13</td>
<td>26T, 0M, 3B</td>
<td>90%T, 0%M, 10%B</td>
</tr>
<tr>
<td><strong>Procedure Locations by Top, Middle, and Bottom of Page</strong></td>
<td>29/14</td>
<td>26T, 0M, 3B</td>
<td>90%T, 0%M, 10%B</td>
</tr>
<tr>
<td><strong>Percentage Procedure Locations by Top, Middle, and Bottom of Page</strong></td>
<td>58/27</td>
<td>52T, 0M, 6B</td>
<td>90%T, 0%M, 10%B</td>
</tr>
</tbody>
</table>
Table C.2 above presents the results of page location counts by number of type 3 procedures located in departments, agencies, and a combination of both. Column 1 provides the number of procedures located in all departments, agencies, and combination of both (i.e. rows 1-3 respectively). Column 2 provides counts of procedure location by top, middle, and bottom. Column 3 provides percentages of procedure location by top, middle, and bottom.

For column 3 of figure 7.4 above, 90% of procedures are located at the top of the page by department, 90% by agency, and 90% for departments and agencies combined. No procedures were located in the middle of web pages or documents. Results by bottom of the page are 10% by department, 10% by agency, and 10% by combined.

**Usability Results: Time Metrics**

Table C.3 below presents the results of timed searches for type 3 guidance procedures located in search sites where type 3 procedures were located. Column 1 presents the total number of type 3 procedures located by total number of sites with type 3 procedures by department, agency, and a combination of both. Column 2 is the average time (i.e. in minutes: seconds) to locate the first type 3 procedure for each search site. Column 3 is the average time (i.e. in minutes: seconds) for location of remaining procedures.

<table>
<thead>
<tr>
<th>Time Metrics by Department and Agency</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total 3E-* and 3F-* Procedures Located/Total Sites</td>
<td></td>
<td>Average Time to Locate 1st Procedure (Min:Sec)</td>
<td>Average Time to Locate Other Procedures (Min:Sec)</td>
</tr>
<tr>
<td>Departments</td>
<td>29/13</td>
<td>0:49</td>
<td>0:31</td>
</tr>
<tr>
<td>Agencies</td>
<td>29/14</td>
<td>0:29</td>
<td>0:15</td>
</tr>
<tr>
<td>Departments and Agencies Combined</td>
<td>58/27</td>
<td>0:38</td>
<td>0:23</td>
</tr>
</tbody>
</table>

In column 1, there are 29 type 3 procedures in 13 departments. The average time to locate first procedures (n = 13) is 0:49 and the average time to locate the additional 16 procedures (i.e. 29 minus 10) is 0:31. For the 29 procedures located in 14 agencies, the average time to locate the
first procedures (n = 14) is 0:29 and the average time to locate the additional 15 is 0:15. Of the
combined 58 type 3 procedures, the average time to locate the first procedure (n = 27) is 0:38
and the average time to locate the additional 31 procedures is 0:23.

Web Content Review

Type 3 results presented below are based on the total number of departments (13) and
agencies (14) with located type 3 procedures. Table C.4 below presents the breakdown of type 3
procedures by type and subcategory. As presented in the Total Procedures/Total Sites column
(i.e. the far right column), there were a total of 29 type 3 procedures located in 13 departments,
29 type 3 procedures located in 14 agencies, and 58 type 3 procedures located in 27 sample sites
(i.e. department and agency combined).

<table>
<thead>
<tr>
<th>Total Type 3 Procedures Located by Category</th>
<th>3E-D</th>
<th>3E-DO</th>
<th>3E-A</th>
<th>3E-AO</th>
<th>3E-O</th>
<th>3F-A</th>
<th>Total Procedures/Total Sites</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Procedures/Departments with Procedures</td>
<td>16/10</td>
<td>4/1</td>
<td>3/1</td>
<td>2/2</td>
<td>3/3</td>
<td>1/1</td>
<td>29/13</td>
</tr>
<tr>
<td>Total Procedures/Agencies with Procedures</td>
<td>9/4</td>
<td>10/9</td>
<td>5/3</td>
<td>4/3</td>
<td>1/1</td>
<td></td>
<td>29/14</td>
</tr>
<tr>
<td>Total Procedures/#Sites with Procedures</td>
<td>25/14</td>
<td>4/1</td>
<td>13/10</td>
<td>7/5</td>
<td>7/6</td>
<td>2/2</td>
<td>58/27</td>
</tr>
</tbody>
</table>

Type 3E-D procedures were located in 77% of departments (i.e., 10/13 departments with
type 3 procedures) and 29% of agencies (i.e., 4/14 agencies with type 3 procedures). The total
number of type 3E-D procedures located (i.e. 25) is 43% of the 58 total type 3 procedures. Type
3E-DO procedures are other department procedures (i.e. other departments not related to the
department or agency searched). Type 3E-DO procedures were located in 8% (1/13) of
departments and make up 2% of the 58 total type 3 procedures located.
Type 3E-A procedures were located in 8% (1/13) of departments and 64% (9/14) of agencies. Combined department and agency type 3E-A procedures make up 22% of the 58 total type 3 procedures located. Two type 3E-AO procedures were located in two departments (i.e. 15% of departments) and five were located in three agencies (i.e. 21% of agencies). Combined department and agency type 3E-AO procedures make up 12% (7/58) of the 58 type 3 procedures.

Three department and three agency web sites contained seven type 3E-O procedures. Combined department and agency type 3E-O procedures make up 12% of the 58 type 3 procedures located. Two forms (i.e. both type 3F-A) were located in two web sites (i.e. in one department and one agency). Type 3F procedures make up 3% (2/58) of the 58 type 3 procedures located.

**Privacy Act Requests**

The Privacy Act Requests assessment of procedures is an assessment of whether type 3 procedures, as located in sample sites provide enough information for an individual to submit a request. Minimal requirements of procedures to determine the potential for submission include:

1) Procedures must supply a minimum of information on how to submit a request, i.e. the procedure must inform individuals of their right to request access to agency records; and
2) Procedures much include a mailing address or fax number to submit the request.

Both 1 and 2 above are required to meet the minimum requirements of potential submission.

The researcher scores guidance procedures that contain information for individuals on how to submit requests from most favorable to least favorable by session where a single session is marked from a start point to an end where the end is the potential to submit requests based on the content of the single procedure. For example, having to email an agency for the name of a contact person or the name of the correct agency to submit a request where the requester must stop a session while waiting for an action to occur ends a session.

Table C.5 below provides the systematic scoring method used that lists most favorable to least favorable. For a score of one, a single session (i.e. the content of a procedure) provides enough potential information to submit requests. For a score of two, multiple linked sessions provide enough potential information for an individual to submit requests, i.e. a procedure provides a link to another procedure and the combined procedures provide the minimum required
information for submission. Procedures that do not provide enough potential information to submit a request receive a score of three.

<table>
<thead>
<tr>
<th>Score</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most Favorable to Least Favorable</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>A single session occurs to complete a Privacy Act request process.</td>
</tr>
<tr>
<td>2</td>
<td>More than one session occurs to complete a Privacy Act request process.</td>
</tr>
<tr>
<td>3</td>
<td>No process available to assess.</td>
</tr>
</tbody>
</table>

The researcher collected data using a multi-step process. Table C.6 below provides the results of the Privacy Act request assessment for the first three data collection steps. The initial step is to determine if procedures contain the minimal required information for submission. Results of the step 1 assessment are presented by total numbers of procedures that are designated either yes, potential for submission, or no, not enough information to submit (column 2).

<table>
<thead>
<tr>
<th>Privacy Act Request Results</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Procedures (# sites)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Can Submit From Initial Procedures Y/N (# Sites)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Can Submit “No’s” From Column 2 Using Linked Multiple Procedures Y/N (# Sites)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rating Total by Score of 1, 2, or 3</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department Totals/ #Departments</td>
<td>29/13</td>
<td>7Y(5)</td>
<td>5Y(2)</td>
<td>7 (1)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>22N(8)</td>
<td>17N(6)</td>
<td>5 (2)</td>
</tr>
<tr>
<td>Agency Totals/ #Agencies</td>
<td>29/14</td>
<td>9Y(7)</td>
<td>3Y(1)</td>
<td>9 (1)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>20N(7)</td>
<td>17N(6)</td>
<td>3 (2)</td>
</tr>
<tr>
<td>Total Procedures/ Combined #Sites</td>
<td>58/27</td>
<td>16Y(12)</td>
<td>8Y(3)</td>
<td>16 (1)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>42N(15)</td>
<td>34N(12)</td>
<td>8 (2)</td>
</tr>
</tbody>
</table>

255
Of the 29 type 3 procedures located in departments, 24% contained minimal requirements of submission (7/29) and 76% did not contain minimal information needed for submission (22/29). Of the 29 type 3 procedures located in agencies, 31% contained minimal requirements for submission (9/29) and 69% lacked minimal information for submission (20/29). Combined (see row 3), 28% of type 3 procedures contained the minimal information needed for submission (16/58) and 72% lacked minimal information for submission (42/58).

The second step is to determine if a procedure contains any links to additional procedures that would allow for submission based on linking multiple procedures (see column 3). Of the 22 step one department procedures that lacked enough information for submission, 23% (5/22) contained links to one or more other procedures that when combined would meet minimal requirements for submission. Of the 20 step one agency procedures that lacked enough information for submission, 15% (3/20) contained links to one or more other procedures that when combined would meet minimal requirements for submission. Overall, of the 58 type 3 procedures (i.e. combined department and agency) presented in columns two and three:

- 28% (16/58) contained enough information for submission; and
- 14% (8/58) contained enough information for submission when linked to other procedures.

Fifty-eight percent of type 3 procedures (34/58) did not contain enough information or link to other procedures to allow submission.

The third step to determine the submission potential for type 3 procedures is rating each procedure using a 1-3 rating scale (column 4). Of the 58 type 3 procedures (see row three), 16 are rated 1 as most favorable, eight are rated 2, and 34 are rated 3 as least favorable for submission.

Table C.7 below presents the results of the fourth step of the process, determination of why a procedure does not contain enough information, or the right kind of information for consideration as favorable for submission. Since this assessment is of the content of each procedure, linked multiple procedures are not included.
Column one from table C.7 above provides the total number of type 3 procedures located and column two provides the numbers of procedures with minimal information needed for submission (Y) and those without minimal information (N). Columns 3-5 provide counts by three general categories that describe why procedures do not contain enough, or the right information for submission. The general categories include:

- Federal Guidance Procedures – typically contain enough information for individuals to understand the Privacy Act requests and to a degree the types of information agencies require for submission; however, the procedures federal guidance procedures lack information regarding department and agency contacts;
- Not enough information – the procedures do not meet the minimum requirements for submission as discussed earlier in this section, i.e. they do not have enough information in the procedure to inform individuals on how to submit requests; i.e. typically the procedures lack contact/mailing information; and
- Wrong request contact – when searching departments and agencies for guidance procedures on how to submit a request, the search hits contained a number of links to procedures of other agencies. Procedures from other agencies do not contain information on how to make a request for the searched sample site, particularly information related to where to send requests (i.e. contact information).

Results presented below are based on these three categories.

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Type 3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Procedures</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Can Submit From</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Initial Procedure</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Y/N)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guidance</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Procedure</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not Enough</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Information</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wrong Request</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contact</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Department       |   |   |   |   |   |
| Totals           |   |   |   |   |   |
| Procedures       | 29| 7Y| 3 | 10 | 9 |
| Can Submit From  |   | 22N|   |   |   |
| Initial Procedure|   |   |   |   |   |
| (Y/N)            |   |   |   |   |   |
| Federal          |   |   |   |   |   |
| Guidance         |   |   |   |   |   |
| Procedure        |   |   |   |   |   |
| Not Enough       |   |   |   |   |   |
| Information      |   |   |   |   |   |
| Wrong Request    |   |   |   |   |   |
| Contact          |   |   |   |   |   |

| Agency Totals    |   |   |   |   |   |
| Procedures       | 29| 9Y| 4 | 11 | 5 |
| Can Submit From  |   | 20N|   |   |   |
| Initial Procedure|   |   |   |   |   |
| (Y/N)            |   |   |   |   |   |
| Federal          |   |   |   |   |   |
| Guidance         |   |   |   |   |   |
| Procedure        |   |   |   |   |   |
| Not Enough       |   |   |   |   |   |
| Information      |   |   |   |   |   |
| Wrong Request    |   |   |   |   |   |
| Contact          |   |   |   |   |   |

| Total            |   |   |   |   |   |
| Procedures       | 58| 16Y| 7 | 21 | 14 |
| Can Submit From  |   | 42N|   |   |   |
| Initial Procedure|   |   |   |   |   |
| (Y/N)            |   |   |   |   |   |
| Federal          |   |   |   |   |   |
| Guidance         |   |   |   |   |   |
| Procedure        |   |   |   |   |   |
| Not Enough       |   |   |   |   |   |
| Information      |   |   |   |   |   |
| Wrong Request    |   |   |   |   |   |
| Contact          |   |   |   |   |   |
Of the 22 department procedures that do not have enough information for submission, 14% (3/22) are federal guidance procedures, 45% (10/22) do not include enough information to submit requests, and 41% (9/22) of procedures have the wrong contact information. Of the 20 agency procedures that do not have enough information for submission, 20% (4/20) are federal guidance procedures, 55% (11/20) do not include enough information to submit requests, and 25% (5/20) of procedures have the wrong contact information.

Altogether, 72% (42/58) of all located type 3 procedures fall under one of the categories listed in columns 3-5 that describe why individuals cannot use the procedures to submit requests. Only 28% of located type 3 procedures (16/58) contain minimum required information for individuals to use to submit Privacy Act requests.

**Appendix C Summary**

Appendix C presents detailed results of data collection efforts from Google.com searches that are designed to understand how agency web sites provide information related to access for individuals to agency records by means of guidance procedures. The goal of conducting department and agency web site searches is to understand the degree to which federal department and agency web sites inform individuals on how to make a Privacy Act request.

Results of the usability study provide metrics related to the effectiveness and efficiency of searches to locate guidance procedures in web sites. Results of the Web-content review provide information related to the types and kinds of procedures located from searches through agency web sites. The Privacy Act review assessment provides results related to the degree to which located type 3 procedures contain enough minimum information for individuals to submit requests.

Appendix D presents categories of information collected from type 3 guidance procedures identified during the agency web site search. The information collected originates from agency provided type 3 procedures and four non-agency developed procedures that provide information to individuals on how to submit a Privacy Act request. The aggregated descriptive submission elements are presented by categories for comparison across type 3 procedures, i.e. agency and non-agency developed procedures.
APPENDIX D
DATA COLLECTION RESULTS: REQUIREMENTS OF REQUEST PROCEDURES

Introduction

This study does not include a content analysis; however, while assessing the potential for submission of located type 3 procedures from appendix A (i.e. department and agency search results), the researcher identified and collected requirements from identified type 3 guidance procedures. These requirements are descriptive submission elements (i.e. types of information) that inform individuals of required or suggested types of information to include in a Privacy Act request submission.

In addition to descriptive elements collected from department and agency web site searches, elements were collected from four non-agency sources of type 3 procedures located through departments and agencies, i.e. links were located in the sample search sites to non-agency sources. The four non-agency sources selected for inclusion in this chapter include:

- Text of the Privacy Act;
- Department of Justice provided Overview of the Privacy Act of 1974;
- Your Right to Federal Records; and

The collected types of information provide insights of characteristics and nuances related to department and agency requirements and suggestions for individuals seeking to make Privacy Act requests. The types of information are aggregated and presented by categories and do not represent any single department or agency’s requirements or suggestions for submission.

Sources of Descriptive Elements

Table A.8 (See appendix A) identifies 87 type 3 procedures located in 40 of the sample’s 64 department and agency sites. Seventy-five of these procedures are departmental and agency specific procedures. Department and agency descriptive submission elements were collected from these 75 procedures.

The remaining 12 type 3 procedures were located from links in departments and agencies to other federal sources that provide information on how to access agency records. These 12

Collected submission elements are presented in this chapter by source, i.e. department and agency specific type 3 procedures and each of the four selected other federal sources. The aggregated lists do not represent any single department or agency’s requirements and/or suggestions for submission. In addition, each listed item may represent a single element that was collected from multiple type 3 procedures located in multiple departments and/or agencies, i.e. single elements are not necessarily from a single department or agency’s type 3 procedure.

Agency Search Descriptive Submission Elements from Located Type 3 Procedures

Table D.1. Aggregated descriptive elements of agency contact, personal information, and personal identification

<table>
<thead>
<tr>
<th>Agency Contact Information</th>
<th>Agency contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency name</td>
<td></td>
</tr>
<tr>
<td>Agency mailing address</td>
<td></td>
</tr>
<tr>
<td>Agency Phone #</td>
<td></td>
</tr>
<tr>
<td>Agency Fax #</td>
<td></td>
</tr>
<tr>
<td>Agency email</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Personal Information</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td></td>
</tr>
<tr>
<td>Former addresses</td>
<td></td>
</tr>
<tr>
<td>Telephone number</td>
<td></td>
</tr>
<tr>
<td>Fax</td>
<td></td>
</tr>
<tr>
<td>Email optional</td>
<td></td>
</tr>
<tr>
<td>State you are a U.S. citizen</td>
<td></td>
</tr>
<tr>
<td>Birth date (required/optional)</td>
<td></td>
</tr>
<tr>
<td>Birth place (required/optional)</td>
<td></td>
</tr>
<tr>
<td>Social security number (required/optional)</td>
<td></td>
</tr>
<tr>
<td>Passport number</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Personal Identification</th>
<th>Verify identity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proof of identity required 1 type</td>
<td></td>
</tr>
<tr>
<td>Proof of identity required 2 types</td>
<td></td>
</tr>
<tr>
<td>Proof of identity required (specific) – 1 photo ID</td>
<td></td>
</tr>
<tr>
<td>Proof of identity required (specific) – 2 photo IDs</td>
<td></td>
</tr>
<tr>
<td>Proof of Identity required (specific) – 2 IDs w/current home address and DOB</td>
<td></td>
</tr>
<tr>
<td>Signature</td>
<td></td>
</tr>
<tr>
<td>Notarized signature</td>
<td></td>
</tr>
<tr>
<td>Notarized statement and date confirming Identity that includes declaration under penalty of perjury statement</td>
<td></td>
</tr>
</tbody>
</table>
Table D.1 above presents aggregated descriptive elements of agency contact, personal information, and personal identification. The agency contact-information section includes basic information needed to submit Privacy Act requests. For personal information and personal identification, the descriptive elements provide examples of the spectrum of types of personal information and identification different agencies require and/or request from individuals.

Table D.2 below presents aggregated descriptive elements of submission information, agency record information, and cost of request.

Table D.2. Aggregated descriptive elements of submission information, agency record information, and cost of request

<table>
<thead>
<tr>
<th>Submission Information</th>
<th>Written request (letter)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mail/In person</td>
</tr>
<tr>
<td></td>
<td>Fax</td>
</tr>
<tr>
<td></td>
<td>Mail Online form</td>
</tr>
<tr>
<td></td>
<td>Electronic submission (i.e. online form)</td>
</tr>
<tr>
<td></td>
<td>Mark envelope “Privacy Act Request”</td>
</tr>
<tr>
<td></td>
<td>Clearly mark “Privacy Act Request” in letter</td>
</tr>
<tr>
<td></td>
<td>Follow FOIA guidelines</td>
</tr>
<tr>
<td></td>
<td>Send to FOIA address</td>
</tr>
<tr>
<td></td>
<td>Specify whether FOIA or PA requests</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Agency Record Information</th>
<th>Request to review records</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Identify system of records</td>
</tr>
<tr>
<td></td>
<td>Identify system of records from Federal Register</td>
</tr>
<tr>
<td></td>
<td>Identify system ID number</td>
</tr>
<tr>
<td></td>
<td>Describe information contained in system of notice</td>
</tr>
<tr>
<td></td>
<td>Describe records as specifically as possible</td>
</tr>
<tr>
<td></td>
<td>Clearly identify records</td>
</tr>
<tr>
<td></td>
<td>Identify date records created</td>
</tr>
<tr>
<td></td>
<td>Identify date range for records</td>
</tr>
<tr>
<td></td>
<td>Identify place records created</td>
</tr>
<tr>
<td></td>
<td>Describe circumstance for agency data collection as specifically as possible</td>
</tr>
<tr>
<td></td>
<td>Explain why you think department would have information on you</td>
</tr>
<tr>
<td></td>
<td>Identify which components of the department you believe has information</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cost of Request</th>
<th>Include statement of how much willing to pay (maximum amount)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Requests constitutes agreement to pay up to $25,</td>
</tr>
<tr>
<td></td>
<td>Will notify if over $25,</td>
</tr>
<tr>
<td></td>
<td>Request that agency inform/contact first if fee is more than initial maximum</td>
</tr>
</tbody>
</table>
Submission information elements (see table D.2 above) provide instructions to individuals on how to submit requests. Agency-record information elements are examples of actions different departments and agencies ask of individuals who want to submit a request. Cost of requests descriptive elements provide information to individuals related to the costs to the individual in obtaining copies of agency records. Privacy Act statutes only allow departments and agencies to bill for the cost of making copies and the costs of mailing the records. As a Privacy Act request, departments and agencies cannot charge for department or agency personnel time required to search for and review documents.

Table D.3 below lists department and agency instruction elements on who to contact when making a request. Responses from agencies inform individuals on how agencies respond to requests, how individuals can track requests, and what to do if denied a request.

<table>
<thead>
<tr>
<th>How to Contact Agency</th>
<th>Response from Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Write to Privacy Act officer/contact</td>
<td>Agency notifies of received request in 3-5 working days</td>
</tr>
<tr>
<td>Write to FOIA/PA officer/contact</td>
<td>Agency notifies of received request in 10 working days</td>
</tr>
<tr>
<td>Write to FOIA officer/contact</td>
<td>Agency requires up to 20 additional working days for response</td>
</tr>
<tr>
<td>Write to agency contact</td>
<td>Agency response that a 10 day extension to respond is needed</td>
</tr>
<tr>
<td>Write to System Manager</td>
<td>Will send a tracking number for the request</td>
</tr>
<tr>
<td>Write to record information/dissemination section</td>
<td>Will cite specific exemption if denied and notify of appeal procedures</td>
</tr>
<tr>
<td>Write to office of information programs and services</td>
<td></td>
</tr>
</tbody>
</table>
Privacy Act of 1974

As presented in chapter one, the Privacy Act of 1974 as amended is the sole federal law passed by Congress that contains provisions to “balance the government's need to maintain information about individuals with the rights of individuals to be protected against unwarranted invasions of their privacy stemming from federal agencies' collection, maintenance, use, and disclosure of personal information about them” (Department, 2004b). Provisions of the Privacy Act require agencies to protect individuals against unwarranted invasions of their privacy due to agencies collection of personal information by limiting what agencies collect and by requiring the development of agency guidelines to protect access to and sharing of the information (5 U.S.C. § 552a(b,e)).

Provisions also provide a right of access for individuals to agency records that contain personal information about them and a process to amend the information where amend means “make any correction of any portion thereof which the individual believes is not accurate, relevant, timely, or complete” (5 U.S.C. § 552a(d)(2)) .

Table D.4. Privacy Act of 1974 submission elements by categories

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Identification</td>
<td>Agencies define reasonable requirements for identifying individual</td>
</tr>
<tr>
<td>Submission Information</td>
<td>Written request (letter)</td>
</tr>
<tr>
<td>Agency Record Information</td>
<td>Request access to records</td>
</tr>
<tr>
<td>Cost of Request</td>
<td>Agencies establish fees to charge individuals for copies of records, excluding cost of any search and review of his record</td>
</tr>
<tr>
<td>Response from Agency</td>
<td>Agencies must notify an individual if any system of records named by the individual contain records pertaining to him</td>
</tr>
</tbody>
</table>


Table D.4 above presents descriptive elements collected from Privacy Act statutes related to access to agency records. The elements are presented by categories identified from agency searches in appendix A. Descriptive elements in each category provide information to individuals related to submitting requests for agency records.
Department of Justice Overview of the Privacy Act of 1974

The Department of Justice provides an *Overview of the Privacy Act of 1974*. The overview is a “discussion of the Privacy Act's disclosure prohibitions, its access and amendment provisions, and its agency recordkeeping requirements” (DOJ, 2004).

Table D.5 below presents descriptive elements collected from the overview by descriptive element categories identified from agency searches in appendix A. Descriptive elements in each category provide information to individuals related to submitting requests for agency records.

<table>
<thead>
<tr>
<th>Personal Identification</th>
<th>Agencies define reasonable requirements for identifying individual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submission Information</td>
<td>Written request (letter)</td>
</tr>
<tr>
<td>Agency Record Information</td>
<td>Request access to records</td>
</tr>
<tr>
<td>Cost of Request</td>
<td>Agencies establish fees to charge individuals for copies of records, excluding cost of any search and review of his record</td>
</tr>
<tr>
<td>Response from Agency</td>
<td>Agencies must notify an individual if any system of records named by the individual contain records pertaining to him</td>
</tr>
</tbody>
</table>


Citizen’s Guide


In 1987, the committee revised the original guide to reflect FOIA amendments of 1986. Since 1987, the guide is amended as needed and reprinted the first session of each new Congress.
The exception is the first session of the 107th Congress (2001) when the guide was published in 2002 due to the September 11, 2001 terrorist attack in New York, New York.

The intent of the Citizen’s Guide is to provide an overview of FOIA and the Privacy Act that includes information related to how individuals make requests for government information and how agencies must, or should respond to requests. The guide contains required descriptive elements and suggested submission elements. In addition, the Citizen’s Guide includes a sample generic submission form with recommended minimal elements of submission.

Figure D.6: Citizen’s Guide submission elements by categories

<table>
<thead>
<tr>
<th>Personal Information</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Address</td>
</tr>
<tr>
<td></td>
<td>Telephone number</td>
</tr>
<tr>
<td>Personal Identification</td>
<td>Agencies define reasonable requirements for identifying individual</td>
</tr>
<tr>
<td></td>
<td>Verify identity</td>
</tr>
<tr>
<td></td>
<td>Proof of identity required 1 type</td>
</tr>
<tr>
<td></td>
<td>Signature</td>
</tr>
<tr>
<td></td>
<td>Notarized signature</td>
</tr>
<tr>
<td></td>
<td>Notarized statement and date confirming identity that includes declaration under penalty of perjury statement</td>
</tr>
<tr>
<td>Submission Information</td>
<td>Written request (letter)</td>
</tr>
<tr>
<td></td>
<td>Mail/In person</td>
</tr>
<tr>
<td></td>
<td>Mark envelope “Privacy Act Request”</td>
</tr>
<tr>
<td></td>
<td>Clearly mark “Privacy Act Request” in letter</td>
</tr>
<tr>
<td>Agency Record Information</td>
<td>Identify which agency has records</td>
</tr>
<tr>
<td></td>
<td>Ask an agency that might maintain the records</td>
</tr>
<tr>
<td></td>
<td>Make request under both FOIA and Privacy Act</td>
</tr>
<tr>
<td></td>
<td>Request access to records</td>
</tr>
<tr>
<td></td>
<td>Not required to identify a specific system of records</td>
</tr>
<tr>
<td></td>
<td>Identify system of records</td>
</tr>
<tr>
<td></td>
<td>Describe records as specifically as possible</td>
</tr>
<tr>
<td></td>
<td>Describe circumstance for agency data collection as specifically as possible</td>
</tr>
<tr>
<td></td>
<td>Explain why you think department would have information on you</td>
</tr>
<tr>
<td></td>
<td>Simply ask for all records</td>
</tr>
<tr>
<td></td>
<td>May request that field office files be searched as well as central agency files</td>
</tr>
</tbody>
</table>

Table D.6 above presents Citizen’s Guide required and suggested descriptive elements related to personal information, personal identification, submission information and agency record information by categories identified from agency searches in appendix A. Descriptive elements in each category provide information to individuals related to submitting requests for agency records.

Table D.7 below provides additional Citizen’s Guide required/suggested descriptive elements of cost of requests, agency contacts, and how agencies should respond to requests by categories identified from agency searches in appendix A. Descriptive elements in each category provide information to individuals related to submitting requests for agency records.

Table D.7. Citizen’s Guide submission elements by categories (continued)

<table>
<thead>
<tr>
<th>Cost of Request</th>
<th>Agencies establish fees to charge individuals for copies of records, excluding cost of any search and review of his record</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Include statement of how much willing to pay (maximum amount)</td>
</tr>
<tr>
<td></td>
<td>Request that agency inform/contact first if fee is more than initial maximum</td>
</tr>
<tr>
<td>How to Contact Agency</td>
<td>Write to FOIA/PA officer/contact</td>
</tr>
<tr>
<td></td>
<td>Write to System Manager</td>
</tr>
<tr>
<td>Response from Agency</td>
<td>Agency may contact individual for additional information</td>
</tr>
<tr>
<td></td>
<td>Under Privacy Act, no required time for agency to respond</td>
</tr>
<tr>
<td></td>
<td>Most agencies adopt FOIA response times</td>
</tr>
<tr>
<td></td>
<td>Agency notifies of received request in 10 working days</td>
</tr>
<tr>
<td></td>
<td>Agency requires up to 20 additional working days for response</td>
</tr>
</tbody>
</table>

Your Right to Federal Records

Table D.8 below provides Your Right to Federal Records required and suggested descriptive elements. The descriptive elements are related to personal information, personal identification, submission information, agency record information, cost of requests, how to contact agencies, and how agencies should respond to requests by categories identified from agency searches in appendix A. Descriptive elements in each category provide information for individuals related to submitting requests for agency records.

Table D.8. Aggregated descriptive elements – how to contact agency and response from agency

<table>
<thead>
<tr>
<th>Personal Information</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Address</td>
</tr>
<tr>
<td></td>
<td>Telephone number</td>
</tr>
<tr>
<td>Personal Identification</td>
<td>Proof of identity required 1 type</td>
</tr>
<tr>
<td></td>
<td>Proof of identity required (specific) – 1 photo ID</td>
</tr>
<tr>
<td></td>
<td>Signature</td>
</tr>
<tr>
<td>Submission Information</td>
<td>Written request (letter)</td>
</tr>
<tr>
<td></td>
<td>Mark envelope “Privacy Act Request”</td>
</tr>
<tr>
<td></td>
<td>Clearly mark “Privacy Act Request” in letter</td>
</tr>
<tr>
<td></td>
<td>Follow FOIA guidelines</td>
</tr>
<tr>
<td>Agency Record Information</td>
<td>Request access to records</td>
</tr>
<tr>
<td></td>
<td>Describe records as specifically as possible</td>
</tr>
<tr>
<td></td>
<td>Explain why you think department would have information on you</td>
</tr>
<tr>
<td>Cost of Request</td>
<td>Agencies establish fees to charge individuals for copies of records, excluding cost of any search and review of his record</td>
</tr>
<tr>
<td></td>
<td>Include statement of how much willing to pay (maximum amount)</td>
</tr>
<tr>
<td>How to Contact Agency</td>
<td>Write to Privacy Act officer/contact</td>
</tr>
<tr>
<td></td>
<td>Follow the same guidelines as for the Freedom of Information Act</td>
</tr>
<tr>
<td>Response from Agency</td>
<td>Agency may contact individual for additional information</td>
</tr>
<tr>
<td></td>
<td>Under Privacy Act, no required time for agency to respond</td>
</tr>
<tr>
<td></td>
<td>Most agencies adopt FOIA response times</td>
</tr>
<tr>
<td></td>
<td>Will cite specific exemption if denied and notify of appeal procedures</td>
</tr>
</tbody>
</table>

Your Right to Federal Records provides basic information related to FOIA and the Privacy Act. The guide presents information in a question/answer format that includes most frequently asked questions from individuals who contacted the Federal Citizen Information Center (FCIS) of the U.S. General Services Administration. Responses to the questions originate from FCIS and the Department of Justice – the agency responsible for agency compliance with FOIA provisions. In addition, OMB, the agency responsible for agency compliance with the Privacy Act, reviews the questions and responses.

As a compilation of most frequently asked questions, the intent of the pamphlet is not to comprehensively apply to all issues associated with FOIA and the Privacy Act. In addition to providing basic information about FOIA and the Privacy Act, the intent of the pamphlet is to provide information that assists individuals in exercising their rights to government information and agency records.

Appendix D Summary

Appendix D presents collected submission elements from department and agency web site searches and from four selected non-department or agency sources that provide information to individuals on how to submit Privacy Act requests. The aggregated lists also provide insights on what agencies require and suggest for inclusion in the requests and of how agencies respond to requests.
APPENDIX E
DATA COLLECTION PROTOCOL

I. Research Sample – includes each department plus three randomly selected departmental agencies for 64 site searches.

<table>
<thead>
<tr>
<th>Department Number</th>
<th>Office of the President (+) Executive Departments</th>
<th>Number of Identified Key Agencies/Organizations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Executive Office of the President</td>
<td>18 offices and agencies</td>
</tr>
<tr>
<td>2</td>
<td>Department of Agriculture</td>
<td>23 key agencies</td>
</tr>
<tr>
<td>3</td>
<td>Department of Commerce</td>
<td>16 key agencies</td>
</tr>
<tr>
<td>4</td>
<td>Department of Defense</td>
<td>21 agencies</td>
</tr>
<tr>
<td>5</td>
<td>Department of Education</td>
<td>14 agencies</td>
</tr>
<tr>
<td>6</td>
<td>Department of Energy</td>
<td>13 key organizations</td>
</tr>
<tr>
<td>7</td>
<td>Department of Health and Human Services</td>
<td>15 key organizations</td>
</tr>
<tr>
<td>8</td>
<td>Department of Homeland Security</td>
<td>15 key organizations</td>
</tr>
<tr>
<td>9</td>
<td>Department of Housing and Urban Development</td>
<td>9 key organizations</td>
</tr>
<tr>
<td>10</td>
<td>Department of Justice</td>
<td>15 key organizations</td>
</tr>
<tr>
<td>11</td>
<td>Department of Labor</td>
<td>10 key agencies</td>
</tr>
<tr>
<td>12</td>
<td>Department of State</td>
<td>7 key agencies</td>
</tr>
<tr>
<td>13</td>
<td>Department of the Interior</td>
<td>9 key agencies</td>
</tr>
<tr>
<td>14</td>
<td>Department of the Treasury</td>
<td>9 key agencies</td>
</tr>
<tr>
<td>15</td>
<td>Department of Transportation</td>
<td>12 key agencies</td>
</tr>
<tr>
<td>16</td>
<td>Department of Veteran Affairs</td>
<td>3 key agencies</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>209 agencies and organizations</strong></td>
</tr>
</tbody>
</table>


II. Data Collection Steps

Steps to locate desired procedures per agency include:

9. Note the start time and begin log data collection process.
10. Search each home page for links to guidance procedures.
11. Search for guidance procedures using the search feature of each website with phrases, such as Privacy Act, Privacy Act request, and access to agency records).
12. Follow search result links to guidance procedures.
13. Read the content of each located guidance procedure.
14. When the desired procedure is located, timed usability study ends.
15. Complete data collection forms throughout the search process.
16. Complete additional data entry instruments and comment/description fields of instruments for usability study (i.e. descriptions and comments).

The researcher will evaluate the each website until success (i.e. desired procedure located) or failure (i.e. no desired procedures located) of the search-process is determined.

III. Agency Web Site Search Protocol

1. Initial web page review – locate guidance procedures in the content of the page and/or links to potential guidance procedures. The following areas of each page are included in the review in the following order:
   a. Content of the page;
   b. Top of page, left to right;
   c. Left side of page, top to bottom;
   d. Right side of page, top to bottom; and
   e. Bottom of page, left to right

2. Follow links to potential guidance procedures repeating review of each new page as presented above collecting usability metrics as the process proceeds.

3. Begin search process and continue collecting usability metrics:
   a. Locate web page “Search” feature;
   b. Enter the term “Privacy Act Requests”;
   c. Locate the first search return that contains the search phrase;
   d. Follow the link and initiate the web page review process for each new web page (steps 1 and 2 above);
   e. If guidance procedure located:
      1) Read procedure to identify type and kind;
      2) Stop timer and note time in data collection sheet;
      3) Collect web content review metrics;
      4) Restart timed search (begin at zero for each resumed search);
      5) Return to the search list and repeat steps 3 a-e for the next search return item that contains the search phrase
f. If no guidance procedures located, return to the search list and repeat these steps for the next search return item that contains the search phrase (timed search continues without interruption).

g. The search process for “Privacy Act Requests” continues (3 a-f) for the first 20 returns of the search result list.

h. If 3E or 3F procedures are located, the agency search process ends.

i. If no 3E or 3F procedures are located using “Privacy Act Requests”, continue to 4.

4. Repeat search process (step 3 above) using “Privacy Act” then “Access to Agency Records” as the search terms.

5. The search process ends if 3E or 3F procedures are located using “Privacy Act” then “Access to Agency Records”; or, no 3E or 3F procedures are located from steps 3 and 4.
## APPENDIX F

### DATA COLLECTION INSTRUMENTS BY METHOD

1. Usability Study:

Table F.1. Usability goals and measures of access

<table>
<thead>
<tr>
<th>Quality of Experience</th>
<th>Usability Goal</th>
<th>Measures of Access</th>
<th>Definition of Measure</th>
</tr>
</thead>
</table>
| Effectiveness         | 1. Successful completion rates         | • Steps to locate desired procedures  
                        |                                      | • Locate desired procedures                                                      | • Identify pathway taken in attempt to locate desired guidance procedures  
                        |                                      |                                                                                    | • Able to successfully locate desired procedures |
|                       | 2. Accuracy                            | • Unproductive navigation choices  
                        |                                      | • Unproductive searches                                                          | • Total number of unproductive navigation choices that occur  
                        |                                      | • Number of errors in using an application                                      | • Total number of unproductive searches that occur  
                        |                                      |                                                                                    | • Total number of errors that occur while using an application |
| Efficiency            | 1. Efficiency of web site presentation | • Pages visited  
                        |                                      | • Search result link location                                                     | • Number of pages visited before locating desired procedures  
                        |                                      | • Web site link location                                                         | • Location of link in search results for desired procedure  
                        |                                      |                                                                                    | • Location of link to a desired procedure on web site page |
|                       | 2. Time on tasks, or completion time   | • Time to locate the Web page that contains desired procedure  
                        |                                      | • Time to recover from an error                                                  | • Number of steps it takes to locate the right Web information page  
                        |                                      |                                                                                    | • Number of steps it takes to recover from an error |
| Satisfaction          | 1. Satisfaction with web site as the access point to agency records | Likert scale measures of:  
                        |                                      | • Navigation through the site                                                   | Satisfaction with:  
                        |                                      | • Search features of the site                                                   | • Navigation through the site  
                        |                                      | • Relevance of results of searches                                              | • Use of search feature  
                        |                                      | • Location of site procedure links                                              | • Location of procedure in results of searches  
                        |                                      | • Branding of procedure Web pages                                               | • Location of links to procedures in site pages  

Table F.2. Usability/Web-content review search log to record data related to steps of search process

<table>
<thead>
<tr>
<th>Time</th>
<th>Search Steps</th>
<th>Yes/No</th>
<th>Type</th>
<th>Kind</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table F.3. Data collection instrument for effectiveness and efficiency of searches

Department Number: ___
Department/Agency name: _________________________________________________
Home page URL: ________________________________________________________

<table>
<thead>
<tr>
<th>Quality of Experience</th>
<th>Measures of Access</th>
<th>Measure</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effectiveness</td>
<td>Accomplished steps to locate procedures</td>
<td>Yes No Somewhat</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Located desired procedures</td>
<td>Yes No Somewhat</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unproductive navigation choices</td>
<td>Total Number: ______</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unproductive searches</td>
<td>Total Number: ______</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Number of errors in using an application</td>
<td>Total Number: ______</td>
<td></td>
</tr>
<tr>
<td>Efficiency</td>
<td>Pages visited</td>
<td>Total Number: ______</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Search result link location</td>
<td>Describe: ______</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Web site link location</td>
<td>Describe: ______</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Time to locate the right Web information page</td>
<td>Total Number of Steps to locate the right Web information page:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Time to recover from an error</td>
<td>Total Number of Steps to recover from an error:</td>
<td></td>
</tr>
</tbody>
</table>

Table F.4. Count-sheet to determine total numbers of measures for table F.3 above

Department Number: ___
Department/Agency name: _________________________________________________
Home page URL: ________________________________________________________

<table>
<thead>
<tr>
<th>Total Number: One tick mark per count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unproductive navigation choices</td>
</tr>
<tr>
<td>Unproductive searches</td>
</tr>
<tr>
<td>Number of errors in using an application</td>
</tr>
<tr>
<td>Pages visited</td>
</tr>
<tr>
<td>Total Number of Steps to locate the right Web information page</td>
</tr>
<tr>
<td>Total Number of Steps to recover from an error</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>a. Navigation through the site was intuitive.</td>
</tr>
<tr>
<td>Please comment:</td>
</tr>
<tr>
<td>b. Search features were easy to locate and use.</td>
</tr>
<tr>
<td>Please comment:</td>
</tr>
<tr>
<td>c. Hierarchical order of documents found in results list of searches was relevant to user’s search phrases.</td>
</tr>
<tr>
<td>Please comment:</td>
</tr>
<tr>
<td>d. Links to guidance procedures on web site pages were easy to locate</td>
</tr>
<tr>
<td>Please comment:</td>
</tr>
<tr>
<td>e. It was easy to navigate back to the agency home page from Web pages that contained guidance procedures</td>
</tr>
<tr>
<td>Please comment:</td>
</tr>
</tbody>
</table>
2. Web-content Review:

Table F.6. Web-content review goals, measures of access, and definitions of measures

<table>
<thead>
<tr>
<th>What is Measured</th>
<th>Web-content Review Goal</th>
<th>Measures of Access</th>
<th>Definition of Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of guidance procedures</td>
<td>Identify and collect counts of types of procedures available through agency web sites</td>
<td>3. Privacy Act Information</td>
<td>4. The procedure contains information specific to statutory provisions of the Privacy Act.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. Agency response information</td>
<td>5. The procedure contains information for agencies on how to respond to requests.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Individual submission information</td>
<td>6. The procedure contains information for individuals on how to submit requests.</td>
</tr>
<tr>
<td>Kind of guidance procedures</td>
<td>Identify and collect counts of kinds of procedures available through agency web sites</td>
<td>A. Privacy Act text</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>B. Privacy Act explained</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>C. Agency developed procedures</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>D. Non-agency developed procedures</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>E. Instruction for individuals</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>F. Forms for individuals</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table F.7. Usability/Web-content review search log to record data related to steps of search process

<table>
<thead>
<tr>
<th>Usability/Web-content Review Search Log</th>
<th>Procedure Located</th>
</tr>
</thead>
<tbody>
<tr>
<td>Time</td>
<td>Search Steps</td>
</tr>
<tr>
<td></td>
<td>Yes/No Type Kind</td>
</tr>
<tr>
<td></td>
<td>Comments</td>
</tr>
</tbody>
</table>

Table F.8. Sample data analysis template for web-content review of agencies

<table>
<thead>
<tr>
<th>Agency</th>
<th>Time (Entry ex. 21:37)</th>
<th>Type</th>
<th>Kind</th>
<th>Comments for reviewed procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Department Number</td>
<td>5. Start time</td>
<td>1</td>
<td>1</td>
<td>Elements useful for submitting a request, i.e. agency name and address, contact person, and/or requires the name of the system of records.</td>
</tr>
<tr>
<td>5. Dept/Agency name</td>
<td>6. Procedure located</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>6. Home page URL here</td>
<td>7. Content read</td>
<td>3</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8. Data entry completed</td>
<td>4</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>5</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>6</td>
<td>6</td>
<td></td>
</tr>
</tbody>
</table>
3. Privacy Act Requests: assessment of requests procedures that contain information on how to submit a request

Table F.9. Privacy Act request goals and measures of access

<table>
<thead>
<tr>
<th>Quality of Experience</th>
<th>Procedure Goal</th>
<th>Measures of Access</th>
<th>Definition of Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effectiveness</td>
<td>1. Successful completion rates</td>
<td>● Steps required to implement desired procedures</td>
<td>● Identify pathway needed to implement requests</td>
</tr>
<tr>
<td></td>
<td>2. Accuracy</td>
<td>● Single guidance procedure needed to complete process</td>
<td>● One guidance procedure provides all information needed to implement request</td>
</tr>
<tr>
<td></td>
<td></td>
<td>● Unproductive implementation process</td>
<td>● Multiple sources of guidance needed to make submission</td>
</tr>
<tr>
<td></td>
<td></td>
<td>● Number of errors in using a guidance procedure</td>
<td>● Total number of errors that occur while using guidance procedures</td>
</tr>
<tr>
<td>Efficiency</td>
<td>1. Efficiency of request process</td>
<td>● Sources needed</td>
<td>● Number of sources visited to implement requests</td>
</tr>
<tr>
<td></td>
<td></td>
<td>● Source locations</td>
<td>● Location of sources needed to submit requests</td>
</tr>
<tr>
<td></td>
<td>2. Steps to complete tasks</td>
<td>● Steps needed to implement requests</td>
<td>● Total steps needed to implement requests</td>
</tr>
<tr>
<td></td>
<td></td>
<td>● Steps needed to identify and locate additional sources</td>
<td>● Total steps needed to identify and locate additional sources</td>
</tr>
<tr>
<td></td>
<td></td>
<td>● Steps to recover from an error</td>
<td>● Total number of steps it takes to recover from error</td>
</tr>
<tr>
<td>Satisfaction</td>
<td>1. Satisfaction with requests process as access point to agency records</td>
<td>Likert scale measures of:</td>
<td>Satisfaction with:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>● Access procedure</td>
<td>● Access procedure</td>
</tr>
<tr>
<td></td>
<td></td>
<td>● Submission process</td>
<td>● Submission process</td>
</tr>
</tbody>
</table>

Table F.10. Privacy Act request process-scoring method

<table>
<thead>
<tr>
<th>Score</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>A single session occurs to complete a Privacy Act request process.</td>
</tr>
<tr>
<td>2</td>
<td>More than one session occurs to complete a Privacy Act request process.</td>
</tr>
<tr>
<td>3</td>
<td>No process available to assess.</td>
</tr>
</tbody>
</table>

Table F.11. Privacy Act request log to record data related to steps needed to submit requests and for responses from submitted requests

<table>
<thead>
<tr>
<th>Privacy Act Request Log</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Time</td>
<td>Submission Steps</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Department Number: ___
Department/Agency name: _________________________________________________
Home page URL: ___________________________________________________________
Table F.12. Privacy Act request, data collection instrument for effectiveness and efficiency of searches

<table>
<thead>
<tr>
<th>Quality of Experience</th>
<th>Measures of Access</th>
<th>Measure</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effectiveness</td>
<td>Accomplished steps required to submit request</td>
<td>Yes No Somewhat</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Single guidance procedure needed to complete process</td>
<td>Yes No Somewhat</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unproductive submission</td>
<td>Total Number Sources: ______</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Number of errors in using a guidance procedure</td>
<td>Total Number: ______</td>
<td></td>
</tr>
<tr>
<td>Efficiency</td>
<td>Sources needed</td>
<td>Total Number: ______</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Source locations</td>
<td>Describe: ______</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Steps needed to submit requests</td>
<td>Total Number: ______</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Steps needed to identify and locate additional sources</td>
<td>Total Number: ______</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Steps to recover from an error</td>
<td>Total Number: _____</td>
<td></td>
</tr>
</tbody>
</table>

Table F.13. Privacy Act request count-sheet to determine total numbers of measures for table F.12 above

<table>
<thead>
<tr>
<th>Department Number: ___</th>
<th>Department/Agency name: _________________________________________________</th>
<th>Home page URL: ________________________________</th>
<th>Total Number: One tick mark per count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of errors in using guidance procedures</td>
<td>Sources needed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Steps needed to submit requests</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Steps needed to identify and locate additional sources</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Steps to recover from an error</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table F.14. Privacy Act request, data collection instrument for satisfaction with searches

Please circle the number that best reflects your opinion for each statement.

<table>
<thead>
<tr>
<th></th>
<th>Strongly disagree</th>
<th>Disagree</th>
<th>Undecided</th>
<th>Agree</th>
<th>Strongly agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Guidance procedures needed to submit a request were intuitive.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Please comment:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Guidance procedures needed to submit a request were easy to locate and use.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Please comment:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

7. Privacy Act Requests: submission to agency

Table F.15. Privacy Act request, data collection log for submitted requests to agencies

<table>
<thead>
<tr>
<th>Agency Name</th>
<th>Sent to Agency (Y/N)</th>
<th>Date Sent</th>
<th>Date Agency Response Received</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


a. Privacy Act text – the web site or a procedure contains a link to the actual text of the Privacy Act.

b. Privacy Act explained – the procedure provides an explanation of the statutory provisions of the *Privacy Act*.

c. Executive agency developed procedures – the procedure contains department-developed guidance on how agencies respond to requests

d. Non-executive agency developed procedures – the procedure contains non-agency developed guidance on how agencies respond to requests.

e. Instruction for individuals – the procedure only contains guidance (i.e. no forms) specific to how individuals should submit *Privacy Act* requests.

Figure C.5: Instruction for individuals (no forms). Available 12 March 2008 at http://www.ars.usda.gov/Services/docs.htm?docid=1398.
f. Forms for individuals – the procedure contains forms specific to how individuals should submit Privacy Act requests.

APPENDIX H
HUMAN SUBJECTS APPROVAL

Date: Fri, 23 May 2008 09:47:27 -0400

From: humansubjects@magnet.fsu.edu
Subject: Human Subjects Staff Review
To: jsnead@fsu.edu

Human Subjects Application - For Full IRB and Expedited Exempt Review

PI Name: John T Snead

Project Title: Multi-method evaluation of Federal Web Sites in Terms of Access for Individuals to Records Maintained by Executive Agencies

HSC Number: 2008.1373

No review is needed by the IRB.


<table>
<thead>
<tr>
<th>Researcher's Name: John Snead</th>
<th>Application No.: 2008.1373</th>
</tr>
</thead>
</table>

Human Subjects Staff Review

Application Type: New Application
OPRR Cat: Other 45 CFR 46.

ACTION REQUESTED:

Researcher has indicated this study is funded:

INCOMPLETE APPLICATION due to the following reason(s):

CONSENT FORM REVISIONS NEEDED (list of missing requirements: )

OTHER COMMENTS AND/OR ADDITIONAL INFO REQUIRED:

No review is needed by the IRB.
REFERENCES


Digital Millennium Copyright Act of 1998, P.L. 105-104

European Union Data Protection Directive, 95/46/ED


Privacy Act of 1974, 5 U.S.C. § 552a(Section2).

Privacy Act of 1974, 5 U.S.C. § 552a(Section3).


Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot) Act of 2001, PL 107-56.


BIOGRAPHICAL SKETCH

John T. Snead

Academic Background

PhD       College of Information          Florida State University   (2009)
MS        Library and Information Studies   Florida State University   (2002)
BS        Animal Science/Biomedical Science Texas A&M University (1981)

Publications

Refereed Journal Articles


Book Chapters


Awards and Associations

Member American Library Association (ALA)
Member Association for Library and Information Science Education (ALISE)
Member American Society for Information Science and Technology (ASIST)

Presentations

Papers in Refereed Conference Proceedings
(With Archival Publications)


Refereed Conference Poster & Paper Presentations


**Invited Presentations**

2007 Spring Research Colloquiums, College of Information, Florida State University. *Iterative multi-method evaluation of information privacy law compliance in selected U.S. federal executive agencies*.

2006 Fall Research Colloquiums, College of Information, Florida State University. *User-centered evaluation in the networked environment* (With John Carlo Bertot & Paul Jaeger)

**Research Grants**

**Funded Grant Projects – Principal or Co-Principal Investigator**


