

This is *The Civil Liberties Review's* OFFICIAL AGENCY QUESTIONNAIRE EXPLANATION FORM. Individuals may reproduce it free, or, for additional copies, write, enclosing 25¢ for each, to the Literature Department, American Civil Liberties Union, 22 East 40th Street, New York, New York 10016.

CLR-OAQEF-94d (approved for use until 1984)

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OFFICIAL AGENCY QUESTIONNAIRE EXPLANATION FORM

I.

Dear Inquirer:

I have received your agency's form or questionnaire dated \_\_\_\_\_ and relating to \_\_\_\_\_. You requested that I fill it out and return it promptly to you.

HOWEVER, your request presents a serious civil liberties problem. I have checked it below.

- a.  You say that my answers are legally required. But as you know (or should know), only valid legal authority can compel me to disclose such personal information, and your communication has not provided the facts I need to determine my legal liability to comply.
- b.  You say that my answers are voluntary and ask for my cooperation with an important government activity. But whether I cooperate depends on your disclosing how you will hold my personal information and what uses will be made of it, and you have not made such full disclosure.
- c.  You have not indicated if my response is to be voluntary or compulsory, which denies me essential information for determining my response.

Therefore, if you wish to hear from me you will have to furnish more information before I take my valuable time to respond.

Kindly answer **ONLY** the questions in Section II that have been indicated by the boxes I have checked in Section I-a. You may attach additional pages with your answers, if necessary.

I-a.

- |                             |                              |                              |                              |
|-----------------------------|------------------------------|------------------------------|------------------------------|
| 1. <input type="checkbox"/> | 6. <input type="checkbox"/>  | 11. <input type="checkbox"/> | 16. <input type="checkbox"/> |
| 2. <input type="checkbox"/> | 7. <input type="checkbox"/>  | 12. <input type="checkbox"/> | 17. <input type="checkbox"/> |
| 3. <input type="checkbox"/> | 8. <input type="checkbox"/>  | 13. <input type="checkbox"/> | 18. <input type="checkbox"/> |
| 4. <input type="checkbox"/> | 9. <input type="checkbox"/>  | 14. <input type="checkbox"/> | 19. <input type="checkbox"/> |
| 5. <input type="checkbox"/> | 10. <input type="checkbox"/> | 15. <input type="checkbox"/> | 20. <input type="checkbox"/> |

NOTICE: I will hold your form or questionnaire until I receive your reply. See Section IV of this form for my holding procedures.

II.

- 1. If my answers are required by law, provide full citations to the relevant statute, executive order, or other authorization for such compulsory response, and attach the full text along with this answer. \_\_\_\_\_  
\_\_\_\_\_
- 2. Are answers to *all* the questions legally required or only some of them?  ALL  ONLY SOME. If "ONLY SOME," indicate which questions are voluntary. \_\_\_\_\_  
\_\_\_\_\_

3. If my answers are required by law, what are the penalties or consequences should I refuse to comply? \_\_\_\_\_

4. If my compliance is voluntary, was your decision to seek this personal information from individuals reviewed by any central agency or authority in the (city) (county) (state) or (federal) government to insure that this information is not already collected somewhere else, and that it is not unduly burdensome or intrusive to the respondent?  REVIEWED BY CENTRAL AGENCY  NOT REVIEWED. If "REVIEWED," indicate the agency and specific official who made the review. If "NOT REVIEWED," indicate why not. \_\_\_\_\_

5. If my compliance is voluntary, do you certify that my answers or my refusal to answer will never be used in making decisions about my access to government benefits or opportunities?  YES  CANNOT SO CERTIFY. If "CANNOT," explain why. \_\_\_\_\_

If "YES," supply name and title of person in the agency taking responsibility for making this certification.

Name \_\_\_\_\_  
Title \_\_\_\_\_

6. If my compliance is voluntary, may I omit my name or other personal identifier?  OK TO RETURN ANONYMOUSLY  NEED NAME OR IDENTIFIER. If name is needed, explain why. \_\_\_\_\_

7. If compliance is voluntary and my name is needed, will it and any other personal identifier be removed from the data once the agency undertakes its study, or will the identifiers be preserved with my record?  REMOVED  PRESERVED. If "PRESERVED," explain why this is necessary. \_\_\_\_\_

8. State fully the purposes for which this information is being gathered. \_\_\_\_\_

9. Indicate why this is necessary to carry out a lawful function of your agency. \_\_\_\_\_

10. Describe fully how the information I have given will be processed, used, and stored with your agency, including whether it will

be used only in manual form, in computerized form, or in both. Also indicate whether it will be kept in a separate file or made part of a larger file of data about me. \_\_\_\_\_

11. Will my consent be obtained before any use is made by your agency of my identified personal data for purposes other than the ones stated above (or in your form of questionnaire, if it was given there)?  YES  NO. If "NO," explain why. \_\_\_\_\_

12. If you say my personal data is and will be held "confidential," does that mean you have legal authority to withhold it from other government agencies or jurisdictions that might call for it?  YES  NO. If "YES," please indicate the scope and limits of that authority. If "NO," explain why you put such a misleading claim on your form or questionnaire. \_\_\_\_\_

13. Will any other government agencies have regular access to information collected from this form or questionnaire?  YES  NO. If "YES," indicate legal authority for such data sharing. \_\_\_\_\_

Does such data-sharing require my consent?  YES  NO. If "NO," why not? \_\_\_\_\_

14. If I want to inspect the record compiled about me on the basis of my response, am I entitled to do so?  YES  NO. If "NO," explain why not. If "YES," detail the location of the file, the procedures for inspection and raising issues about the accuracy or completeness of the record, and the name and address of the agency official in charge of such access procedures. \_\_\_\_\_

15. Will your agency supply to any private organization lists of names, addresses, and personal characteristics of those who reply to your form or questionnaire?  YES  NO. If "YES," will you obtain my permission first?  YES  NO. If "NO," and if this is based on the assumption that federal or state freedom-of-information laws do not require you to do so, cite the relevant legal provisions. \_\_\_\_\_

16. Describe fully the administrative measures

that will be taken to guarantee the confidentiality and security of my personal data in your files, if you promise such confidentiality.

17. If my Social Security number has been requested, explain why you need it, since I am concerned that having this number on many of my government records makes it easy to assemble a comprehensive dossier about me. EXPLANATION: \_\_\_\_\_

If I am opposed to giving my Social Security number, despite your explanation, would you rather I left that space blank and returned the form to you with the other questions answered, or should I throw the form in the wastebasket?  RETURN WITHOUT SOCIAL SECURITY NUMBER IF YOU WISH  THROW INTO WASTEBASKET.

18. Do you have a regular procedure for either destroying the personal information collected by this form or questionnaire after a certain period of time, or of updating it for accuracy and timeliness if it is retained?  HAVE

REGULAR PURGING PROCEDURE   
UPDATE THE INFORMATION  OTHER.   
Please explain. \_\_\_\_\_

19. Why didn't your agency put this explanatory information in your initial communication to me, either in a letter, an introduction to the form or questionnaire, or an enclosed brochure? CHECK ALL THAT APPLY:
- a.  It would cost us some money.
  - b.  It isn't the practice in our field.
  - c.  We didn't think anyone cared.
  - d.  Policies haven't been formulated yet.
  - e.  No one higher up told us to.
  - f.  We were just following orders.
  - g.  All this uproar over privacy is silly.
  - h.  Other. (Write in.) \_\_\_\_\_
20. Wouldn't it be a lot easier in the future to supply such explanatory information in advance, rather than have to reply to all these OFFICIAL AGENCY QUESTIONNAIRE EXPLANATION FORMS?
- YES
  - NO
  - DEPENDS ON HOW MANY OTHERS PUSH US ON IT

III.

<sup>a</sup> Signature of person completing this form

<sup>d</sup> Business address (include ZIP)

<sup>b</sup> Name (print)

<sup>e</sup> Business telephone

<sup>c</sup> Title

<sup>f</sup> Date

LOOK OVER YOUR ANSWERS AGAIN. MAKE SURE THAT ALL QUESTIONS YOU HAVE BEEN ASKED TO ANSWER ARE ANSWERED. THEN BE SURE TO READ SECTION IV.

IV. THE FOLLOWING ARE MY PROCEDURES FOR PROCESSING THIS OFFICIAL AGENCY QUESTIONNAIRE EXPLANATION FORM:

I will hold your original form or questionnaire until I receive your answers on this form and study their responsiveness to my legal and personal rights.

I will not reply to any computer-generated second or third mailings of your form or questionnaire. My memory-system for keeping track of nonresponding agencies is infallible.

If I do not hear from you within 30 days, I shall assume you are content to have me throw away the original form or questionnaire.

If I receive stern letters pressing me to answer your form or questionnaire even though you have not replied to mine, I shall write "Constitution-

ally Obscene Mail—Return to Sender" on the envelope and give it back to the letter carrier.

FOR YOUR INFORMATION:

If your reply to this questionnaire is unsatisfactory or not forthcoming, I shall send a copy of the reply or of the original questionnaire to the U.S. Senate Subcommittee on Constitutional Rights, if a federal agency is involved, or to the appropriate state legislative committee, if it is a state or local government agency. I shall send additional copies to the local and national offices of the American Civil Liberties Union.

I also talk to my friends about these matters, and they talk to their friends. And LET'S FACE IT—YOU REALLY CAN'T RUN THE GOVERNMENT WITHOUT OUR COOPERATION, CAN YOU?