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SUBCHAPTER C—REGULATIONS GOVERNING EMPLOYEES OF THE OFFICE OF PERSONNEL MANAGEMENT

PART 1001—EMPLOYEE RESPONSIBILITIES AND CONDUCT

1001.101 Cross-reference to financial disclosure requirements and other conduct rules.
1001.102 Privacy Act rules of conduct.

AUTHORITY: 5 U.S.C. 552a, 7301.

§ 1001.101 Cross-reference to financial disclosure requirements and other conduct rules.

In addition to the regulations contained in this part, employees of the Office of Personnel Management (OPM) should refer to:

(a) The Standards for Ethical Conduct for Employees of the Executive Branch at 5 CFR part 2635;

(b) The OPM regulations at 5 CFR part 4501, which supplement the executive branch-wide standards;

(c) The Employee Responsibilities and Conduct regulations at 5 CFR part 735;

(d) The executive branch financial disclosure regulations at 5 CFR part 2634;

(e) The executive branch outside employment regulations at 5 CFR part 2636; and

(f) The restrictions upon use of political referrals in employment matters at 5 U.S.C. 3303.

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§ 1001.102 Privacy Act rules of conduct.

(a) An employee should avoid any action which results in the appearance of using public office to collect or gain access to personal data about individuals beyond that required by or authorized for the performance of assigned duties.

(b) An employee should not use any personal data about individuals for any purpose other than required and authorized in the performance of assigned duties; or disclose any such information to other agencies or persons not expressly authorized to receive or have access to such information, and should make any such authorized disclosures in acordance with established regulations and procedures.

(c) Each employee, and especially an employee who has access to or is engaged in any way in the handling of information subject to the Privacy Act of 1974, shall acquaint himself or herself with the regulations of this subsection as well as the pertinent provisions of the Privacy Act relating to the treatment of such information. Particular attention is directed to the following provisions of the Privacy Act:

(1) 5 U.S.C. 552a(e)(7)—The prohibition against maintaining any information regarding how any individual exercises First Amendment rights (including political or religious beliefs, and the freedom of speech, press, and assembly) unless expressly authorized by statute or the individual.

(2) 5 U.S.C. 552a(b)—The prohibition against disclosure of certain personal data without the prior written consent of the individual, except under certain limited conditions.

(3) 5 U.S.C. 552a(e)(1)—The prohibition against collecting or maintaining any personal data about individuals, except as necessary and relevant to perform a function of the Office which is authorized by statute or Executive order.

(4) 5 U.S.C. 552a(e)(2)—The requirement to collect information which may result in an adverse determination about an individual from that individual whenever practicable.

(5) 5 U.S.C. 552a(e)(3)—The requirement to inform individuals from whom information about themselves is solicited of the authority under which the solicitation is made and whether the disclosure of the information is mandatory, the purposes for which the information will be used, the routine uses which may be made of the information, and the consequences of failure to provide such information.

(6) 5 U.S.C. 552a(b) and (e)(10)—The obligation of employees to comply with established safeguards and procedures to protect personal data from anticipated threats or hazards to the security or integrity of the data which

could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual about whom information is maintained.

(7) 5 U.S.C. 552a(c) (1), (2), and (3)—The obligation of employees to maintain an accounting of all disclosures of personal information from systems of records, except for those disclosures made within the Office to persons having an official need to know or to the public under the Freedom of Information Act (5 U.S.C. 552).

(8) 5 U.S.C. 552a(e) (5) and (6)—The obligation of employees to assure that any personal information about individuals is as accurate, relevant, timely and complete as is reasonably necessary to assure fairness to the individual at such time as any such information is utilized by the Office in making a determination about the individual or when the information is disclosed.

(9) 5 U.S.C. 552a(d) (1), (2), and (3)—The obligation of employees to permit individuals to have access to records pertaining to themselves in accordance with established Office procedures and to have an opportunity to request that such records be amended.

(10) 5 U.S.C. 552a(c)(4) and (d)(4)—The obligation to inform prior recipients of personal data when a record is amended pursuant to the request of an individual or a statement of disagreement has been filed, and to advise any subsequent recipients of the disputed information.

(11) 5 U.S.C. 552a(n)—The prohibition against renting or selling lists of names and addresses unless specifically authorized by law.

(12) 5 U.S.C. 552a(i) (1), (2), and (3)—The criminal penalties to which an employee may be subject for failing to comply with certain provisions of the Privacy Act of 1974.

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