

Applicant/Violator System Office System Advisory Memorandum



SAM # 17 DATE: September 30, 2009

Subject: PUBLIC ACCESS to AVS – IMPACT of the PRIVACY ACT

This System Advisory Memorandum provides guidance regarding public access to the Applicant/Violator System and the impact of the Privacy Act of 1974 (5 U.S.C. 552a) on this electronic informational database. This SAM replaces previous SAM # 19, "Public Access to AVS – Impact of the Privacy Act," dated January 23, 1998.

Why is this guidance necessary?

This SAM updates the means for public access to the Applicant/Violator System (AVS) and updates the information describing the impact of the Privacy Act on the information in the national database. We, the Office of Surface Mining Reclamation and Enforcement (OSM) and the AVS Office, are committed to both making the AVS available to the general public and to our continuing compliance with the Privacy Act as it applies to information in the AVS database. This guidance is provided in the interest of assisting AVS users as well as persons to whom AVS users may themselves offer assistance.

This SAM discusses the importance of public access to AVS. It also discusses the importance of compliance with the Privacy Act to ensure personally identifiable information contained in the computer system is protected.

Why is public access to AVS important?

Since the beginning of system operations, we hoped AVS would become not only a tool vital to assisting States in their implementation of section 510(c) of the Surface Mining Control and Reclamation Act of 1977, as amended (SMCRA or the Act), but also would serve as an electronic information source for the general public, including the industry. We are satisfied that we continue to achieve these purposes and more.

Since our previous SAM concerning public access, we have modified AVS so that it is fully accessible from the Internet without the need for additional supporting software. Anyone with Internet access may log-in as a guest on the AVS database at [www.https://avss.osmre.gov](https://avss.osmre.gov).

Why is compliance with the Privacy Act important?

The United States Code at 5 U.S.C. 552a contains specific prohibitions against the Federal government's disclosure of personally identifiable information maintained in a system of records. While the Privacy Act was enacted in 1974 to apply to paper records, it also applies to electronic records and databases.

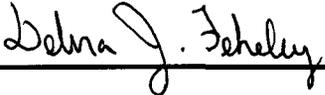
It is important for all AVS users and those others who access AVS to know that AVS is not a Privacy Act system of records. AVS is electronic medium which we use to store and retrieve information that is otherwise available in the paper medium, most notably in application, permit, and violation documents. We initially protected AVS under the Privacy Act to restrict disclosure of information unique to an individual. We very soon determined that, under various provisions of OSM's regulations, the information in AVS is information readily available to the public in Federal and individual States' records.

AVS does contain what, under the Debt Collection Improvement Act of 1996, are now called tax identification numbers. These are social security numbers for individuals voluntarily provided to regulatory authorities and employer identification numbers disclosed for businesses. OSM's revised its rules in December 2000 to remove the provision whereby social security numbers might be voluntarily disclosed. Our rules now only require tax identification numbers from business entities.

With respect to AVS access, users that are not regulatory authorities cannot manufacture any search manipulation that will retrieve social security numbers for individuals. Compliance with this aspect of the Privacy Act means that any request for information from AVS under the Freedom of Information Act exempts the release of social security numbers.

Where can I obtain more information about the Privacy Act?

If you have questions about the Privacy Act and the information in AVS, please contact your AVS User Assistance Liaison at 1.800.643.9748.

Signed: 

**Debra J. Feheley, Chief
Applicant/Violator System Office**