

## CHART COMPARING FREEDOM OF INFORMATION ACT AND PRIVACY ACT

prepared by Judith Means  
Department of Commerce

	Freedom of Information Act	Privacy Act
United States Code Citation	5 U.S.C. § 552	5 U.S.C. § 552a
Purpose of Act	gives the public access to Federal Government records	<p>applies to Federal Government records</p> <ol style="list-style-type: none"> <li>1. restricts third-party access to information about individuals</li> <li>2. expands first-party access to information</li> <li>3. establishes procedures for the collection, maintenance, and dissemination of records about individuals</li> <li>4. seeks to maintain the accuracy of records about individuals</li> </ol>
Who can make Requests under the Act	anyone (including commercial entities)	only a U.S. citizen or alien lawfully admitted for permanent residence whose file is maintained in a PA system of records
What is a Record under the Act	any agency record	information about an individual maintained by an agency in a PA system of records (which is a group of records from which information about an individual is retrieved using the individual's name or another personal identifier)

	Freedom of Information Act	Privacy Act
Where Records Are Kept	in agency files, on computers, in the archives, anywhere that documents (including electronic records, videotapes, audiotapes, and pictures) are maintained	in a PA system of records
Limits on Disclosure	all information must be disclosed to the requester unless protected by one (or more) of the 9 FOIA exemptions	all information in an individual's PA file must be disclosed to the individual unless protected by one of the 10 PA exemptions ( <b>note: the PA exemptions are not the same as the FOIA exemptions</b> )
Access to SF 278 Reports (available to public upon request under the Ethics in Government Act)	withheld under exemption (b)(3)	first-party access