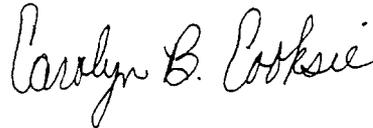


For: State and County Offices

Access to Information in a Borrower's Case File Upon Request

Approved by: Deputy Administrator, Farm Credit Programs



1 Overview

**A
Background**

There has apparently been some confusion about FSA's policy regarding borrowers' access to information in their case files.

**B
Purpose**

This notice provides general guidance concerning a borrower's access to information in his or her case file.

2 Allowing Access to Case Files

**A
Access**

Borrowers are not required to submit a Privacy Act or FOIA request to review the information in their own files. Borrowers may review or copy their files in accordance with FmHA Instruction 2015-E, which is based on the Privacy Act of 1974 (5 U.S.C. 552a). It is FSA policy to provide 1 copy of a borrower's file at no fee.

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Disposal Date	Distribution
December 1, 1996	State Offices; State Offices relay to County Offices

2 Allowing Access to Case Files (Continued)

**B
Exemptions**

Confidential information **should not** be provided to the borrower under the Privacy Act. The information compiled in reasonable anticipation of a civil action or proceeding should be placed in an envelope marked "confidential" and removed from the case file before being reviewed by the borrower.

Confidential information may include records such as:

- appraisal reports prepared for foreclosure proceedings
- tort claim files
- investigative reports from OIG
- other communications with OIG or OGC.

Notes: It is not sufficient to cite a Privacy Act exemption alone to withhold information from the subject of the record. The head of the records holding office must also cite an appropriate exemption under FOIA to withhold information from a borrower seeking his or her own records.

Confidential information would generally be exempt from release under 1 or more FOIA exemptions, in accordance with 2-INFO.

Additional guidance should be obtained from FmHA Instruction 2015-E and 2-INFO before releasing or denying access to ensure that proper procedures are followed and appropriate appeal rights are provided if the request is denied.

Until otherwise instructed, follow FmHA Instruction 2015-E and 2-INFO when reviewing Privacy Act requests.

**C
Questions**

Direct questions concerning access to, and release of, borrower information to the appropriate State Office representative (such as the Administrative Officer or FOIA Officer).
