FREEDOM OF INFORMATION ACT AND PRIVACY ACT OF 1974

Conservation plans and associated client files are official NRCS records. NRCS Field Offices maintain the documents, and the District Conservationist (DC) is the NRCS official who is responsible, under the Privacy Act of 1974, for protecting the integrity, security, and confidentiality of client files. The Privacy Act authorizes criminal sanctions, including fines up to $10,000 and imprisonment for up to a year, against unauthorized release of client information. Section 2004 of the Farm Security and Rural Investment Act of 2002 contains similar sanctions against the unauthorized release of client information although such a release is considered a misdemeanor. These sanctions extend to partners, contractors, and consultants who are also responsible for maintaining the confidentiality of client files.

On May 13, 2002, NRCS altered the way it processes Freedom of Information Act (FOIA) requests. Section 2004 of the Farm Security and Rural Investment Act of 2002 mandated that information provided by individuals to NRCS, Conservation Districts, or to contractors/consultants of NRCS, in order to participate in conservation programs, is not considered public information and is therefore, not releasable to the public.

In certain, limited circumstances, non-public information obtained from individuals may be disclosed or released only to the extent necessary to enforce natural resources conservation programs or to assist in providing technical or financial assistance for any natural resources conservation program administered by NRCS or the Farm Service Agency (FSA).

NRCS employees, Conservation District employees, and Technical Service Provider (TSP) contractors/consultants must not release any non-public information that: (1) reflects on the owner/operator/producer's personal, commercial, or financial matters; (2) causes substantial harm to the competitive position of the owner/operator/producer, or: (3) impairs the ability of NRCS to obtain similar, necessary information in the future. Violations are considered misdemeanors and employees, contractors, or consultants committing such violations may be subject to fines up to $10,000 and imprisonment up to one year.

Except as described below, none of the following owner/operator/producer information, which may be contained in an individual case file, may be released: assistance notes; problems identified on unit; objectives; cultural resource kind or location; resource inventories specific to the unit; benchmark data on the unit; worksheets specific to the unit; land use maps specific to the unit; information on how the resources are managed; environmental evaluation on the unit; environmental assessment on the unit; record of decisions; program contract/agreement information; specific alternatives developed; specific alternatives evaluated; practices/systems installed; acres in the unit; livestock numbers on the unit; economic data specific to the operation; crop budgets developed; social concerns; land relationships for the operation; permits obtained; conservation plan(s); conservation compliance determinations; and engineering surveys or designs.

Technical Service Providers (TSPs), in order to meet their contractual requirements, may need access to protected client information that is in the custody of NRCS District

Conservationists (DCs). NRCS clients may request this information and provide it to their TSP. Such information will also be released to TSPs if its release is requested by the client in a signed letter to the NRCS DC. This letter will become part of the client file. The Rhode Island NRCS form, Notification and Agreement on Release of Information, is found on the RI TSP webpage at https://www.usda.gov/technical/technicalserviceprovider.html