

FSA-2007
(Proposal 3)

U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency

Position 3

**STATEMENT REQUIRED BY THE PRIVACY ACT
FOR NON-APPLICANTS**

(See Page 3 for the Privacy Act and the Public Burden Statements.)

The Farm Service Agency (FSA) is authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et. seq.) or other Acts administered by FSA to solicit the information it deems necessary to support an FSA application by a party other than the applicant.

The information is being requested to support an applicant by the name of (a) _____ .

Disclosure of the information requested is voluntary. However, failure to disclose certain items of information requested, including Social Security Number or Tax Identification Number, may delay processing of the application or its rejection.

The principal purposes for collecting the requested information are to determine eligibility for FSA credit or other financial assistance, the need for other servicing actions, and statistical analysis. Information provided may be used outside of the Department of Agriculture for the following purposes:

1. Disclosure to interested parties who submit requests under the Freedom of Information Act (FOIA), unless disclosure is prohibited by a FOIA exemption.
2. Referral to a Federal Records Center for storage.
3. When a record on its face, or in conjunction with other records, indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, disclosure may be made to the appropriate agency, whether Federal, foreign, State, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative or prosecutive responsibility of the receiving entity.
4. Disclosure to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the written request of the constituent about whom the record is maintained.
5. Disclosure of names, home addresses, Social Security Numbers, Tax Identification Numbers, and financial information to business firms in a trade area that buy chattel or crops or sell them for commission, so that FSA may benefit from the purchaser notification provisions of Section 1324 of the Food Security Act of 1985 [7 U.S.C. 163(e)], which requires that potential purchasers of farm products be advised that a lien exists in order for the creditor to perfect its lien against such purchases.
6. Referral of names, home addresses, Social Security Number, and financial information to:
 - a. a collection or servicing contractor, financial institution, or a local, State, or Federal agency, when FSA determines such referral is appropriate for servicing or collecting the borrower's account or as provided for in contracts with servicing or collection agencies.
 - b. the Department of Housing and Urban Development as a record of location utilized by Federal agencies for an automatic credit prescreening system.
 - c. the Department of Labor, State Wage Information Collection Agencies, and other Federal, State, and local agencies, as well as those responsible for verifying information furnished to qualify for Federal benefits, to conduct wage and benefit matching through manual and/or automated means, for determining compliance with Federal regulations and appropriate servicing actions against those not entitled to program benefits, including possible recovery of improper benefits.
7. Referral of names, home addresses, and financial information to lending institutions when FSA determines the individual may be financially capable of qualifying for credit with or without a guarantee.

8. Referral of names, home addresses, and financial information to financial consultants, advisors, or underwriters, when FSA determines such referral is appropriate for developing packaging and marketing strategies involving the sale of FSA loan assets. (Question for OGC: Is this appropriate for FSA? It is Item 18 on RD 410-9).

9. Disclosure of names, home addresses, Social Security Number, and financial information to lending institutions that have a lien against the same property as FSA for the collection of the debt. These loans can be under the direct and guaranteed loan programs.

10. Disclosure in a proceeding before a court or adjudicative body, when: (a) FSA or any component thereof; or (b) any FSA employee in an official capacity; or (c) any FSA employee in an individual capacity where FSA has agreed to represent the employee; or (d) the United States is a party to litigation or has an interest in such litigation, and by careful review, FSA determines that the records are both relevant and necessary to the litigation, provided, however, that in each case, FSA determines that disclosure of the information contained in the records is a use that is compatible with the purpose for which FSA collected the records.

11. Disclosure to the Department of Justice when: (a) FSA or any component thereof; or (b) any FSA employee in an official capacity where the Department of Justice has agreed to represent the employee; or (c) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, FSA determines that the records are both relevant and necessary to the litigation and the use of such records by the Department of Justice is, therefore deemed by FSA to be compatible with the purpose for which FSA collected by records.

12. Referral of legally enforceable debts to the Department of the Treasury, Internal Revenue Service (IRS), to be offset against any tax refund that may become due the debtor for the tax year in which the referral is made, according to IRS regulations at 26 CFR 01.6402-6T, and the authority in 31 U.S.C. 3720A.

13. Referral of information regarding indebtedness to the Defense Manpower Data Center, Department of Defense, and the United States Postal Service for conducting computer matching programs to identify and locate individuals receiving Federal salary or benefit payments and who are delinquent in their repayment of debts owed to the Government under certain programs administered by FSA to collect debts under the provisions of the Debt Collection Act of 1982 [5 U.S.C. 5514] by voluntary repayment, administrative or salary offset procedures, or by collection agencies.

14. Referral to private attorneys under contract with either FSA or the Department of Justice for foreclosure and possession actions and collection of past due FSA accounts.

15. To provide the basis for borrower success stories in Department of Agriculture news releases.

16. Referral to a credit reporting agency.

Every effort will be made to protect the privacy of applicants and borrowers.

FEDERAL EQUAL CREDIT OPPORTUNITY ACT STATEMENT

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided that the applicants have the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency which administers compliance with this law is the Federal Trade Commission, Equal Credit Opportunity, Washington, D.C. 20580.

WARNING

Question for OGC: Statement is included in Item 1 on Page 1. Is it needed here again? All information supplied to FSA in connection with the loan application may be released to interested third parties, including competitors, without the knowledge or consent of the applicant under the provision of the Freedom of Information Act (5 U.S.C. 552).

Information not clearly marked "Confidential" may be released routinely if a request is received. If a request for information which is marked "Confidential" is received, FSA will have to release the information unless it can be demonstrated to FSA's satisfaction that release of the information would be likely to produce substantial competitive harm to the business or would constitute a clearly unwarranted invasion of personal privacy. Also, forms, consultant reports, etc., cannot be considered confidential in their entirety if confidential material contained therein can be reasonably segregated from other information.

Information submitted may be made available to the public during the time it is held in FSA files regardless of the action taken by FSA on the application.

This acknowledges receipt of the above. The undersigned has read this form, and accepts the conditions stated therein.

1A. Name of Non-Applicant	1B. Signature	1C. Date
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NOTE: *The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a): the Farm Service Agency (FSA) is authorized by the Consolidated Farm and Rural Development Act, as amended (7 USC 1921 et seq.), or other Acts, and the regulations promulgated thereunder, to solicit the information requested on its application forms. The information requested is necessary for FSA to determine eligibility for credit or other financial assistance, service loans, and conduct statistical analyses. Supplied information may be furnished to other Department of Agriculture agencies, the Internal Revenue Service, the Department of Justice or other law enforcement agencies, the Department of Defense, the Department of Housing and Urban Development, the Department of Labor, the United States Postal Service, or other Federal, State, or local agencies as required or permitted by law. In addition, information may be referred to interested parties under the Freedom of Information Act, to financial consultants, advisors, lending institutions, packagers, agents, and private or commercial credit sources, to collection or servicing contractors, to credit reporting agencies, to private attorneys under contract with FSA or the Department of Justice, to business firms in the trade area that buy chattel or crops or sell them for commission, to Members of Congress or Congressional staff members, or to courts or adjudicative bodies. Disclosure of the information requested is voluntary. However, failure to disclose certain items of information requested, including Social Security Number or Federal Tax Identification Number, may result in a delay in the processing of an application or its rejection.*

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-XXXX. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. **RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.***

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.