

Applicant/Violator System Office System Advisory Memorandum

SAM # 16 DATE: February 19, 2013



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

This System Advisory Memorandum provides guidance regarding public access to the Applicant/Violator System (AVS) and the impact of the Privacy Act of 1974, as amended (5 U.S.C. 552a) on this electronic informational database. This SAM replaces previous SAM # 17, "Public Access to AVS – Impact of the Privacy Act," dated September 30, 2009.

The Office of Surface Mining Reclamation and Enforcement and the AVS Office are committed to making the AVS available to the general public and to comply with the Privacy Act.

The Privacy Act of 1974 applies to paper records, electronic records and databases. It contains specific prohibitions against the Federal government's disclosure of personally identifiable information maintained in a system of records.

The Department of the Interior published a notice in the Federal Register (59 FR 37262) on July 21, 1994 where they had determined that the records in the AVS are not subject to the Privacy Act. The information in the AVS is for business purposes and not personal information. The AVS is not a Privacy Act system of records and therefore not subject to Privacy Act prohibitions.

The AVS does contain what, under the Debt Collection Improvement Act of 1996, are called tax identification numbers (TINs). However, only AVS Office staff and regulatory authorities with system update rights can view that field. The general public and others using guest accounts do not see TIN information. 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
Debra J. Feheley, Chief
Applicant/Violator System Office