



United States
Department of
Agriculture

Risk
Management
Agency

1400
Independence
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Stop 0801
Washington, DC
20250-0801

BULLETIN NO.: MGR-08-018

**TO: All Approved Insurance Providers
All Risk Management Agency Field Offices
All Other Interested Parties**

**FROM: Eldon Gould /s/ Eldon Gould 12-12-2008
Administrator**

SUBJECT: Privacy Act Statement for Agents, Loss Adjusters and Policyholders

BACKGROUND:

The Privacy Act, 5 U.S.C. 522a (e)(3), provides that any Federal agency and its approved contractors are required to inform each individual from whom personally identifiable information is collected: 1) the authority which authorizes the solicitation of the information; 2) the purposes for which information is intended to be used; 3) the routine uses which may be made of the information; and 4) the effect on the person of not providing the requested information. This Privacy Act Statement is required to appear on the form the entity uses to collect the information or on a separate form that can be retained by the individual.

The Risk Management Agency (RMA), operating on behalf of the Federal Crop Insurance Corporation (FCIC), has developed an all inclusive Privacy Act Statement for Approved Insurance Providers (AIPs) to employ each time personally identifiable information is collected by an AIP from an agent, loss adjuster or policyholder for purposes of participating in FCIC programs.

ACTION:

Attachment A is an RMA-approved Privacy Act Statement for use by all AIPs when obtaining personally identifiable information from its agents, loss adjusters and policyholders. It is also available on the RMA website at <http://www.rma.usda.gov/regs/lawsregsindex.html> under "Required Statements." The revised statement supersedes Exhibit 3 of the FCIC 24040 Document and Supplemental Standards Handbook (DSSH) and Informational Memorandum PM-08-020.

1. All AIPs must incorporate an RMA-approved Privacy Act Statement each time it seeks to obtain personally identifiable information from an agent, loss adjuster, or policyholder for purposes of participating in FCIC programs.



The Risk Management Agency Administers
And Oversees All Programs Authorized Under
The Federal Crop Insurance Corporation

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2. All AIPs must notify their agents and loss adjusters regarding Privacy Act Statement requirements by sending each of them a copy of the RMA-approved Privacy Act Statement (Attachment A) within 30 days of the issuance of this bulletin. This notification may be provided electronically by the AIP. (Note that this notification requirement is for agents and loss adjusters only; policyholders should have already been appropriately notified regarding the Privacy Act through long-standing RMA procedures provided in the DSSH and by more recent guidance provided in Informational Memorandum PM-08-020.)
3. All AIPs must submit a written and signed statement to RMA within 45 days of the issuance of this bulletin certifying that all agents and loss adjusters have been provided the Privacy Act Statement, as directed in Action Item No. 2. The written and signed certification statement must be sent to the following:

Director, Reinsurance Services Division
USDA/Risk Management Agency
1400 Independence Avenue SW
Stop 0804
Washington, DC 20250-0804

4. For the 2009 reinsurance year only:
 - a. Policyholder documents that include a Privacy Act Statement which conforms to Exhibit 3 of the DSSH, as revised in Informational Memorandum PM-08-020, will be deemed by RMA to conform to Privacy Act requirements for the 2009 reinsurance year and do not need to be revised or reviewed by RMA.
 - b. All documents, forms, or other instruments used by the AIP to collect personally identifiable information from agents and loss adjusters for purposes of participating in FCIC programs must henceforth include an RMA-approved Privacy Act Statement.
 - c. If the AIP is not currently including a Privacy Act Statement on documents, forms, or other instruments used to collect information from agents and loss adjusters, then the AIP must either:

- i. Immediately revise its documents, forms, or other instruments to incorporate the RMA-approved Privacy Act Statement attached to this bulletin; or,
 - ii. Include the RMA-approved Privacy Act Statement attached to this bulletin as a separate page of the document, form, or other instrument.
- d. If the AIP is currently including Privacy Act Statements on documents, forms, or other instruments used to collect personally identifiable information from agents and loss adjusters, then the AIP may request within 10 business days of the date of this bulletin an RMA evaluation and determination of the sufficiency of such Privacy Act Statements. Such requests must be in writing to the Director of Reinsurance Services at the address indicated in Action Item No. 3 and include a blank copy of each such document, form, or other instrument, including the respective Privacy Act Statement. If RMA determines that the Privacy Act Statements currently being used by the AIP are sufficient, the AIP may continue to use such statements through the end of the 2009 reinsurance year—June 30, 2009. Otherwise, the AIP shall immediately revise its documents, forms, or other instruments for agents and loss adjusters to incorporate the RMA-approved Privacy Act Statement attached to this bulletin or include it as a separate page of the document, form, or other instrument.
5. Beginning with the 2010 reinsurance year, all AIPs will be required to use the RMA-approved Privacy Act Statement attached to this bulletin for any document, form, or other instrument that requests personally identifiable information from agents, loss adjusters or policyholders for purposes of participating in FCIC programs, regardless of any RMA determination of the sufficiency of Privacy Act Statements used for the 2009 reinsurance year.

DISPOSAL DATE:

This bulletin will remain in effect until incorporated into Document and Supplemental Standards Handbook.

Attachment A:

COLLECTION OF INFORMATION AND DATA (PRIVACY ACT) STATEMENT
Agents, Loss Adjusters and Policyholders

ATTACHMENT A
COLLECTION OF INFORMATION AND DATA (PRIVACY ACT) STATEMENT
Agents, Loss Adjusters and Policyholders

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a): The Risk Management Agency (RMA) is authorized by the Federal Crop Insurance Act (7 U.S.C. 1501-1524) or other Acts, and the regulations promulgated thereunder, to solicit the information requested on documents established by RMA or by approved insurance providers (AIPs) that have been approved by the Federal Crop Insurance Corporation (FCIC) to deliver Federal crop insurance. The information is necessary for AIPs and RMA to operate the Federal crop insurance program, determine program eligibility, conduct statistical analysis, and ensure program integrity. Information provided herein may be furnished to other Federal, State, or local agencies, as required or permitted by law, law enforcement agencies, courts or adjudicative bodies, foreign agencies, magistrate, administrative tribunal, AIPs contractors and cooperators, Comprehensive Information Management System (CIMS), congressional offices, or entities under contract with RMA. For insurance agents, certain information may also be disclosed to the public to assist interested individuals in locating agents in a particular area. Disclosure of the information requested is voluntary. However, failure to correctly report the requested information may result in the rejection of this document by the AIP or RMA in accordance with the Standard Reinsurance Agreement between the AIP and FCIC, Federal regulations, or RMA-approved procedures and the denial of program eligibility or benefits derived therefrom. Also, failure to provide true and correct information may result in civil suit or criminal prosecution and the assessment of penalties or pursuit of other remedies.