
Ames Laboratory
Program: Environment, Safety, Health & Assurance
Title: Protocol for the Release of Records
Page 1 of 8

Procedure 10200.073
Revision 2
Effective Date 09/18/03
Review Date 09/18/05

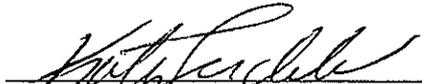
Protocol for the Release of Records

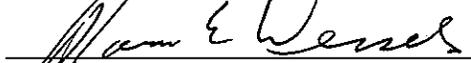
This procedure will be utilized to determine the actions necessary to respond to requests for records maintained by the Ames Laboratory on current and former Ames Laboratory and Department of Energy (DOE) employees and other persons who are potential claimants under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). This procedure also provides the protocol for releasing records for other direct requests from the Ames Laboratory.

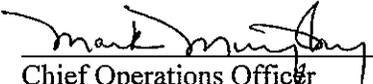
Comments and questions regarding this procedure should be directed to the contact person listed below:

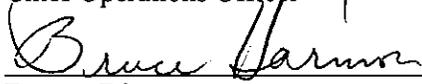
Name: Kate Sordelet
Documents and Records Manager
Address: 125 Spedding Hall
Phone: (515) 294-1376

Sign-off Record:

Approved by:  Date: 9/17/03
Documents & Records Manager

Reviewed by:  Date: 9/17/03
Environment, Safety, Health & Assurance

Approved by:  Date: 9/18/03
Chief Operations Officer

Approved by:  Date: 9/22/03
Deputy Director

Ames Laboratory
Program: Environment, Safety, Health & Assurance
Title: Protocol for the Release of Records
Page 2 of 8

Procedure 10200.073
Revision 2
Effective Date 09/18/03
Review Date 09/18/05

1.0 Revision/Review Log *This document will be reviewed every 2 years as a minimum.*

<u>Revision Number</u>	<u>Effective Date</u>	<u>Contact Person</u>	<u>Pages Affected</u>	<u>Description of Revision</u>
0	01/15/03	K. Sordelet	All	Initial Issue
1	02/15/03	K. Sordelet	All	G:/doc&recs/dcp/revision descriptions
2	09/18/03	K. Sordelet	All	G:/doc&recs/dcp/revision descriptions

2.0 Purposes and Scope

This procedure is utilized by Ames Laboratory personnel to respond to requests for release of records maintained by Ames Laboratory on former Ames Laboratory or Department of Energy (DOE) employees and other persons. The procedure ensures that Ames Laboratory complies with the Iowa Fair Practice Act and DOE contract requirements (DOE rules, federal Privacy Act and Freedom of Information Act).

3.0 Prerequisite Actions and Requirements

3.1 Responsibilities

The Ames Laboratory has assembled a team of individuals who ensure that EEOICPA requests are processed promptly. The team is made up of the following individuals: the Human Resources Manager, the Occupational Medicine Physician, the Radiation Safety Officer, and the Documents and Records Manager. The Human Resource Manager serves as the Laboratory's Point of Contact and performs the Employment Verification. The Physician reviews the medical record and notes any supporting medical tests or medical history. The Radiation Safety Officer reviews and comments on the individuals' radiation dose rate and any other radiation exposure information that may be useful for the claim. The Documents and Records Manager is responsible for verifying the necessary signatures on the EE-Forms and for pulling all related records for an EEOICPA claim. The D&R Manager routes the applicable records and verification forms and ensures that all the information that is gathered is submitted to DOE-CH in a timely manner. Ames Laboratory typically processes all EEOICPA requests from the Department of Labor (DOL) or National Institute for Occupational Safety and Health (NIOSH) within two weeks of receipt by the Laboratory's *EEOICPA Point of Contact*, Human Resources Manager

Requests other than from DOL or NIOSH will be processed promptly and will be handled in accordance with this procedure. An individual making a request will be asked their status, i.e., current or former employee, authorized agent of a former employee, or other person. Then the Laboratory will ascertain which types of records an individual is requesting, i.e., government-owned, contractor-owned and if the individual has invoked FOIA. The Laboratory's Chief Operations Officer will handle record release recommendations and he will seek the assistance of Iowa State University's Legal Department on complex issues.

Ames Laboratory
Program: Environment, Safety, Health & Assurance
Title: Protocol for the Release of Records
Page 3 of 8

Procedure 10200.073
Revision 2
Effective Date 09/18/03
Review Date 09/18/05

3.2 Documentation and Education

The EEOICPA Team (as described above) will familiarize themselves with this Protocol for the Release of Records Procedure (10200.073) and will also review the Laboratory's Energy Employees Occupational Illness Compensation Program Act Procedure (10200.063). This procedure provides the Laboratory with a detailed process for routing and verifying employment, medical and dosimetry information for former or current employees and other persons who have submitted an EEOICPA claim with the Department of Labor.

3.4 Distributed Media

All record releases (paper or electronic) will be distributed to the various requesters' as "copies" and in situations where "copies" are not possible (e.g., Medical X-rays) a summary of the records will be prepared or viewing of records on-site will be provided to the requester. The Ames Laboratory will maintain all "original" records on-site in the Laboratory's archives.

3.5 Requests Requiring Processing by the DOE-CH FOIA/PA Officer

If the Ames Laboratory's Documents and Records Manager determines that a record request is subject to DOE FOIA or Privacy Act regulations, then the record request will be processed as follows. The record requested will be searched and retrieved from the Laboratory's Records Holding Area. The Documents and Records Manager will prepare a letter to the DOE-CH FOIA/PA Officer. The letter will include a release recommendation from the Ames Laboratory Chief Operations Officer. A copy of the request letter and the responsive documents will be attached. For Privacy Act Requests, any evidence validating the identification of the requester will also be included.

4.0 Performance

4.1 Protocol for Commonly Requested Record Series

4.1.1 Official Personnel Files (OPFs), Employee Medical Records (EMRs) and Medical X-rays Records (MXRs)

Under the terms of the Prime Contract, these records are Ames Laboratory-maintained records, which are owned by the Contractor, Iowa State University.

Department of Labor/NIOSH Requests

It is the DOL/NIOSH's responsibility to obtain appropriate "Declaration Releases" from claimants under the EEOICPA; therefore, Ames Laboratory will release OPFs, EMRs and MXRs to the DOE-CH EEOICPA Point of Contact upon receipt of a signed EE-1 (Employee Declaration) or EE-2 (Survivor Declaration) Form.

Current /Former Employee Requests

Ames Laboratory will release OPFs, EMRs, and MXRs to current and former employees upon verifying their identity.

Ames Laboratory
Program: Environment, Safety, Health & Assurance
Title: Protocol for the Release of Records
Page 4 of 8

Procedure 10200.073
Revision 2
Effective Date 09/18/03
Review Date 09/18/05

Legal Representative of the Deceased Requests

Ames Laboratory also will release OPF, EMR and MXR records to the Legal Representative of a deceased employee, after verifying the representatives legal authority, e.g., by valid evidence of the requester being the surviving spouse of the decedent or serving as an executor/administrator for the decedent.

Other Requesters

OPF, EMR and MXR records are subject to the Iowa Fair Information Practices Act (22.11); therefore, Ames Laboratory will apply a reasonable test of "privacy interest protection". It is anticipated that most requests would not be granted, as the requester would not supersede the individual's privacy rights.

4.1.2 Dosimetry Records

Dosimetry Records are government-owned records, which are maintained by the Ames Laboratory in a formal DOE system of records established pursuant to the Privacy Act, 5 U.S.C. 552A.

Department of Labor/NIOSH Requests

It is the responsibility of DOL/NIOSH/HHS to obtain appropriate "Declaration Releases" from EEOICPA claimants. Under the DOE Compilation of Privacy Act Systems of Records, Personnel Radiation Exposure Records may be disclosed to the Department of Labor, Department of Health and Human Services, NIOSH or their contractors or representatives, pursuant to the EEOICPA as a "routine use", without review by the DOE FOIA/PA Officer. Therefore, Ames Laboratory will release Dosimetry Records to the DOE-CH EEOICPA Point of Contact upon receipt of a signed EE-1 or EE-2 Form.

Current /Former Employee Requests

Ames Laboratory will release Dosimetry Records to employees who recently terminated their employment (within 90 days from termination) upon verifying their identity, in accordance with DOE Occupational Radiation Protection requirements, 10 CFR 835, specifically subpart I, *Reports to Individuals*, 835.801 and the Privacy Act, 5 U.S.C. 552 A subpart D, *Access to Records*. However, former employees requesting their dosimetry records will be informed that their request was referred to the DOE-CH FOIA/PA Officer for processing in accordance with the DOE Privacy Act regulation (10 CFR Part 1008). As indicated in section 3.5, above a copy of the request, with a copy of the responsive records, will be promptly be provided to the DOE-CH FOIA/PA Officer, with a recommendation regarding the appropriateness of release of such records.

Legal Representative of the Deceased Requests

Dosimetry Records are subject to the provisions of the Privacy Act, 5 U.S.C. 552A; therefore, Ames Laboratory will promptly notify the Legal Representative that the request was referred to the DOE-CH FOIA/PA Officer for processing in accordance with the DOE FOIA regulation (10 CFR Part 1004). A copy of the request, with a copy of the

Ames Laboratory
Program: Environment, Safety, Health & Assurance
Title: Protocol for the Release of Records
Page 5 of 8

Procedure 10200.073
Revision 2
Effective Date 09/18/03
Review Date 09/18/05

responsive records, will be promptly be provided to the DOE-CH FOIA/PA Officer, with a recommendation regarding the appropriateness of release of such records.

Other Requesters

Dosimetry Records are subject to the provisions of the Privacy Act, 5 U.S.C. 552A; therefore, Ames Laboratory will promptly notify the requester that the request was referred to the DOE-CH FOIA/PA Officer for processing in accordance with the DOE FOIA regulation (10 CFR Part 1004). A copy of the request, with a copy of the responsive records, will be promptly be provided to the DOE-CH FOIA/PA Officer, with a recommendation regarding the appropriateness of release of such records.

4.1.3 Programmatic Records

The handling of programmatic record requests will not differ according to the affiliation of the person making the requests. However, the handling of such requests will differ depending on whether the request specifically references the Freedom of Information Act (FOIA).

Programmatic Records Requested under the Freedom of Information Act

Ames Laboratory will forward programmatic record requests that reference the FOIA to the DOE-CH FOIA/PA Officer, so that they can be processed pursuant to the DOE regulation. Concurrently, the Ames Laboratory will endeavor to locate the requested documents and will assess the records in order to make a *Release Recommendation* to DOE-CH. Generally, Ames Laboratory would expect to offer a positive *Release Recommendation* to DOE-CH. However, there may be FOIA exemptions from disclosure that would take precedence.

Non-FOIA or Contractor Owned Programmatic Records

Contractor owned programmatic records are detailed in the Ames Laboratory Contract in Section 2, Clause I.111. Ames Laboratory will endeavor to locate the requested records. Generally, Ames Laboratory would expect to release such records. Ames Laboratory will not withhold any record in this category without first obtaining written approval from the Contracting Officer, with a copy to the DOE-CH FOIA/PA Officer.

4.2 Categories of Record Requests

- A. DOL/NIOSH/HHS request for Ames Laboratory maintained records concerning a former employee or visitor, where the request is made with a signed EE-1 form received from the DOE-CH EEOICPA POC.
- B. DOL/NIOSH/HHS requests for Ames Laboratory maintained records concerning a former employee or visitor, now deceased, where the request is made with a signed EE-2 form received from the DOE-CH EEOICPA POC.
- C. A request for Ames Laboratory maintained records, where the request is made by a current employee, a former employee or other person to whom the documents pertain, and the request comes directly to Ames Laboratory.
- D. A request for Ames Laboratory maintained records concerning a former employee, now deceased, and the request comes directly to Ames Laboratory from an authorized agent of the deceased, i.e., surviving spouse, son, daughter, or as acting executor or administrator.
- E. An individual (non-authorized) makes a request for another individual's records or requests government-owned/FOIA specified or contractor-owned records/non-FOIA specified programmatic records.

4.3 Releasing Protocols

Protocol for Releasing Categories A and B Records

Action		Responsibility
1	EEOICPA Claim is submitted and appropriate signatures are verified on Form EE-1 (Employee Declaration) or EE-2 (Survivor Declaration).	DOE-CH Point of Contact for a DOL/ NIOSH/HHS EEOICPA request.
2	EEOICPA Claim is received by the Ames Laboratory and Form EE-1 or EE-2 is reviewed for proper signature. The following records are released: The employee's Official Personnel Record, Employee Medical Record, Dosimetry Record and a summary of X-rays (when requested by NIOSH).	Documents & Records(D&R) Manager
3	Utilizing the Ames Laboratory EEOICPA Procedure (10200.063), records are retrieved and the claim is reviewed, verified and is submitted to the DOE-Chicago Point of Contact for forwarding to the DOL.	D&R Manager, Human Resource Manager, Physician, and Radiation Safety Officer

Ames Laboratory
Program: Environment, Safety, Health & Assurance
Title: Protocol for the Release of Records
Page 7 of 8

Procedure 10200.073
Revision 2
Effective Date 09/18/03
Review Date 09/18/05

Protocol for Releasing Category C Records

	Action	Responsibility
1	A current or former employee submits a written request for records.	Employee
2	Verifies that the requester is a current or former employee	Documents & Records Manager/Human Resources Manager
3	The following records will be released if requested: The employee's Official Personnel Record, Employee Medical Record and Medical X-rays. Dosimetry records will be released in accordance with 4.1.2. Other programmatic records will be released in accordance with section 4.1.3 of this procedure.	Documents & Records Manager

Protocol for Releasing Category D Records

	Action	Responsibility
1	A deceased employee's Legal Representative submits a written request for records.	Legal Representative
2	Verifies that the requester is a Legal Representative of the deceased.	Documents & Records Manager/Human Resources Manager
3	The following records will be released if requested: The employee's Official Personnel Record, Employee Medical Record and Medical X-rays. Dosimetry Records will be released in accordance with section 4.1.2 and programmatic records will be released in accordance with section 4.1.3 of this procedure.	Documents & Records Manager

Protocol for Releasing Category E Records

	Action	Responsibility
1	An individual (non-authorized) makes a request for another individual's OPF, EMR, X-ray Record, Dosimetry Record, government-owned programmatic record or a contractor-owned Programmatic Record.	The Public
2	Records will be released in accordance with the following sections. OPFs. EMRs & MXRs (see 4.1.1), Dosimetry Records (4.1.2), and government-owned/FOIA specified requests and Contractor-owned/non-FOIA specified requests (see 4.13).	Documents & Records Manager
3	Request will be evaluated and the Release Recommendation will be determined.	Dependent on type of record request - DOE-CH FOIA/PA Officer or Ames Laboratory Chief Operations Officer.

Ames Laboratory
Program: Environment, Safety, Health & Assurance
Title: Protocol for the Release of Records
Page 8 of 8

Procedure 10200.073
Revision 2
Effective Date 09/18/03
Review Date 09/18/05

5.0 Post Performance Activity

Ames Laboratory will maintain a copy of each claim packet that results from requests processed under the EEOICPA. The claim packet includes a copy of the request, as well as, the responsive documents and any correspondence to the DOE-CH Point of Contact. Each claim packet will be indexed and bar coded and utilizing the Laboratory's Records Management Database (Versatile). The claim packet information will be incorporated into the employee's Official Personnel File. These OPF files are maintained in the Laboratory's Record Holding Area and will be retained in accordance with established retention schedules.

All other record requests will be logged to track the record requester, the responsive records requested and the status of the request. Records documenting these kinds of requests will be indexed and bar coded by the requester's name and will be maintained under a record series entitled *Informational Record Requests*. These records shall be maintained in the Laboratory's Record Holding Area and will be retained in accordance with established retention schedules.

6.0 Additional Information

- Energy Employees Occupational Illness Compensation Program Act Procedure (10200.063).
- The Privacy Act, 5 U.S.C. 552 A subpart D, *Access to Records*
- DOE Privacy Act Regulation (10 CFR Part 1008)
- The Freedom of Information Act, 5 U.S.C. § 552
- DOE FOIA Regulation (10 CFR Part 1004)
- Occupational Radiation Protection, CFR 835.801 subpart I, *Reports to Individuals*
- Iowa Fair Information Practices Act (22.11)