

**NOTE TO CLIENT: PLEASE READ PRINT AND KEEP FOR YOUR RECORDS  
STATEMENTS REQUIRED BY LAWS AND EXECUTIVE ORDERS**

To comply with legislation passed by the Congress and Executive Orders issued by the President, Federal executive agencies, including the Small Business Administration (SBA), must notify you of certain information. You can find the regulations and policies implementing these laws and executive orders in Title 13, Code of Federal Regulations (CFR), Chapter 1, or our Standard Operating Procedures (SOPs). In order to provide the required notices, the following is a brief summary of the various laws and Executive Orders that affect SBA's entrepreneurial development programs.

**Paperwork Reduction Act (44 U.S.C. 3501)**

SBA is collecting the information on this form in order to facilitate business counseling services to its clients and for agency analysis related to the operations and management of the entrepreneurial development programs. SBA will use the information collected on this form to produce summary reports for program and management analysis, as required by law. SBA also intends to use the Individual client data to select participants for follow-up surveys designed to evaluate SBA assistance services.

PLEASE NOTE: The estimated burden for completing this Information is 18 minutes. Your responses to the requested information are voluntary under these programs. You are not required to respond to the questions on this form if it does not display currently valid OMB control number. If you have questions or comments concerning aspects of this information, please contact the U.S. Small Business Administration Information Branch, Washington, DC 20416 and Desk Officer for the Small Business Administration, Office of Management and Budget, Office of Information Regulatory Affairs 725 17 Street, NW, Washington, DC 20503. OMB Approval (3245-0324).

**Privacy Act (5 U.S.C. § 552a)**

Any person can request to see or get copies of any personal information that SBA has in the requestors file, when that file is retrieved by individual identifiers, such as name or social security numbers. Requests for information about another party maybe denied unless SBA has the written permission of the individual to release the information to the requestor or unless the information is subject to disclosure under the Freedom of Information Act.

The information requested on this form helps to determine the appropriate business counseling services to provide to you, facilitates SBA's management and oversight of its entrepreneurial development (ED) programs, and assists SBA in evaluating the impact of each ED program or activity. The information also helps SBA to prepare annual reports for the President, Congress and the Office of Management and Budget (OMB) on all assistance given under the Act to small businesses as well as make recommendations for improving assistance to these entities.

The Small Business Administration has published a notice in the Federal Register at 74

FR 61 describing the system of records (Entrepreneurial Development—Management Information System--SBA 11, April 1, 2009) ) in which any information you provide to us that is protected under the Privacy Act will be maintained. Such information may be disclosed without your consent as permitted by Public Law 85-536, 15 U.S.C. 631 (Small Business Act), sec. 7(j)(1), (Business Counseling), 15 U.S.C. 648 sec. 21 (Small Business Development Centers), 15 U.S.C. 656 sec. 29 (Women's Business Centers), Public Law 106-50 (Veterans' Entrepreneurship and Small Business Development Act of 1999), 44 U.S.C. 3101 (Records Management by Federal Agencies) and Public Law 103-62 (Government Performance and Results Act).

ROUTINE USES OF RECORDS MAINTAINED BY THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

- a. To the Agency service provider (resource partner) who initially collected the information.
- b. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.
- c. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.
- d. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.
- e. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

f. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

Note: Any person concerned with the collection, use and disclosure of information, under the Privacy Act may contact the Chief Freedom of Information Act Office, U.S. Small Business Administration Suite 5900, 409 3 Street, SW, Washington, DC 20416, for in about the Agency's procedures relating to the Privacy Act and FOIA.

### **Freedom of Information Act (5 U.S.C. 552)**

This law provides, with some exceptions, that SBA must supply information in its files and records to a person requesting it. This generally includes statistical information on SBA's business assistance programs, which are in the aggregate. SBA does not routinely make available a client's proprietary data (without first doing pre-notification, as required by Executive order 12600); or information that would cause competitive harm or constitute clearly unwarranted invasion of personal privacy.

Address a request under this Act to the appropriate SBA office and identify it as a Freedom of Information Act request. For information about the Freedom of Information Act, contact Chief, Freedom of Information/Privacy Act Office, U.S. Small Business Administration, 409 3 Street, SW, Suite 5900, Washington, DC 20416.

### **AGREEMENTS**

I request business management counseling service from SBA or a Small Business Administration Resource Partner (SCORE, Small Business Development Center and Women Business Center). I agree to cooperate should I be selected to participate in surveys designed to evaluate SBA assistance services. I understand that any information received by SBA or an SBA resource partner counselor will be held in strict confidence by the counselor to the extent permitted by law.

I further understand that SBA and SBA resource partner counselors have agreed 1) not to recommend goods or services from sources in which the individual counselor has an interest and 2) not to accept fees or commissions developing from any SBA resource partner counseling relationship. In consideration of the provision of management and/or technical assistance by a resource partner counselor(s), I agree to waive all claims, arising out of this assistance, against SBA personnel, the resource partner from whom I sought assistance its host organization, and the counselor(s) who assisted me.

This agreement appears on the first page of the Form and is signed by the client.