

**SUPPORTING STATEMENT APPENDIX A COMMENT SUMMARY FOR
FREEDOM OF INFORMATION/PRIVACY ACT REQUEST**

Form G-639

OMB Control No.: 1615-0102

Public Comments and USCIS Responses

	<u>Category</u>	<u>Comment and Response</u>
Form G-639	1 Form G-639, Part 1.	<p>Comment: The commenter observed that Form G-639 requires requestors to choose between a request under the Freedom of Information Act (FOIA) and the Privacy Act (PA). The commenter recommended that, because requests under each act can disclose different documents, that a requestor who is eligible and interested in filing both be allowed to request a search under both FOIA and the PA with one application. The commenter asked USCIS to create a box under Part 1, Type of Request, that allows a Requestor to check “Freedom of Information Act (FOIA) and Privacy Act (PA).”</p> <p>Response: Pursuant to the Agency’s Privacy Act and FOIA regulations, all Privacy Act requests are also processed under the FOIA and all FOIA requests, if eligible, are also processed under the Privacy Act. Thus, all eligible requestors are already given the benefit of records access under both statutes.”</p>
Form G-639	2 Form G-639, Part 4.	<p>Comment: The commenter recommended that USCIS delete erroneous language in that the information requested in Part 4 is required. The commenter noted that in several places, the instructions for this form indicate that providing information is voluntary, but that Part 4 of the form instructs: “The information requested in Part 4. is REQUIRED” (emphasis in original).</p> <p>Response: Pursuant to the Agency’s Privacy Act and FOIA regulations, requestors who are seeking access to records about themselves are required to verify their identity as required by 6 CFR Part 5, Subpart B. In doing so, the requestor must state his or her full name, current address, and date and place of birth and this statement must be signed with a notarized signature or submitted under penalty of perjury pursuant to 28 USC 1746. To address your comment, though, we have amended Part 4 to delete the reference to “REQUIRED”.</p>
Instructions G-639	3 G-639 Instructions, Page 1.	<p>Comment: The commenter recommended that USCIS add information about the availability of electronic submission for FOIA and PA requests to the instructions. The commenter provided suggested language for modifying the instructions.</p> <p>Response: USCIS has modified the instructions to address the electronic submission of a FOIA request.</p>

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		Form G-639, Part 1.
		<p>Comment: The commenter observed that Form G-639, Part 1. Type of Request requires requesters to designate whether they are seeking access to records under the FOIA or Privacy Act, or whether they are requesting to amend records under the Privacy Act. The purpose of this check-box is unclear given that January 1, 1980, guidance from the Department of Justice provides that “the fact that someone is an ‘individual’ with rights to access under the Privacy Act does not in any way change the fact that he or she is also a ‘person’ with rights to access under FOIA.” The commenter suggested language for clarifying the type of request the requestor is making.</p> <p>Response: USCIS has modified Part 1 of the G-639 to clarify the type of request being made.</p>