USDA APHIS TO MODIFY RECORDS POLICY

Friday, October 25, 2019

Under the federal Privacy Act of 1974, federal government agencies are required to publish notices that describe the type and character of each system of records that the agency maintains. Yesterday, the United States Department of Agriculture’s Animal and Plant Health Inspection Service (APHIS) announced that it intends to update a decades-old public notice to reflect how it manages records under its control as the agency charged with enforcing the federal Animal Welfare Act (AWA).

BACKGROUND

Prompted by litigation surrounding the publication of information on non-finally-adjudicated violations and privacy concerns, APHIS formally initiated a comprehensive review and update of its Animal Care Information System (ACIS) in July 2016. To eliminate out-of-date content, improve the information provided, and balance its commitment to transparency with applicable laws, including rules protecting personal privacy, APHIS’ website, publications, and correspondence were reviewed. This review resulted in the removal of information considered private from APHIS’s website. As part of this review, the APHIS/ACIS public search tool was taken off-line temporarily on February 3, 2017, and APHIS immediately began reposting inspection reports, with the appropriate redactions of personal information.

It is these privacy protections that some groups now seek to remove. They have lobbied Congress to include in the current House version of the 2020 Agriculture Appropriations Bill requiring APHIS to restore non-redacted versions of USDA licensed breeder inspection reports and lists of persons licensed and registered under the AWA, including inventories, addresses, and other personally identifiable information. Furthermore, Senator Feinstein proposed an amendment to the Senate version of the bill to do the same thing.

AKC POSITION

The AKC recognizes the value of posting USDA breeder license inspection reports on the ACIS searching database, with appropriate redactions of private information, as a general tool for retailers and consumers to ascertain the animal care record of various pet breeder (dealer) licensees. However, AKC opposes the provisions in the pending 2020 Agriculture Appropriations bills that would require the posting of non-redacted inspection reports that include personally identifiable information, such as home addresses of USDA-licensed breeders. As a standard practice, pet retailers or distributors require breeders (dealers) from whom they obtain puppies to provide a copy of their USDA reports, making the public release of personally-identifiable information unnecessary.

Click here to read AKC’s October 21 letter to the leaders of the U.S. Senate Appropriations Committee.

APHIS OCTOBER 2019 UPDATES TO ITS SYSTEM OF RECORDS

APHIS’ notice formally expands the categories of individuals who participate in activities related to the Animal Welfare Act or who are otherwise identified in AWA-related records, adds records types, and
updates APHIS’ records management practices. This includes what information may be publicly available, including the name, city, state, license or registration type or status, of any person licensed under the AWA.

APHIS may also disclose licensees’ annual reports, inspection reports, and other regulatory correspondence to any attending veterinarian or other appropriate Federal, foreign, State, local, Tribal, or public authority. APHIS may also disclose final adjudicatory AWA decisions or orders by an appropriate authority to any person.

WHAT YOU CAN DO

AKC Government Relations encourages all interested parties to review the proposed updates, which are available for consideration here.

Concerned parties are encouraged to provide comment to USDA APHIS during the update’s public comment period, which runs through November 25, 2019. Comments may be submitted here.

FOR MORE INFORMATION

AKC’s Government Relations Department (AKC GR) will provide additional updates as this process moves forward. For more information, contact AKC’s Government Relations Department at doglaw@akc.org.