

## PUBLIC SERVANT'S QUESTIONNAIRE

Public Law 93-579 states in part: "The purpose of this Act is to provide certain safeguards for an individual against invasion of personal privacy by requiring Federal agencies...to permit and individual to determine what records pertaining to him are collected, maintained, used, or disseminated by such agencies."

This form should be used for ALL Public Servants - someone who holds any government position (either by election or appointment, local, state, or federal).

The following questions are based upon that act and are necessary in order that this individual may make a reasonable determination concerning divulgence of information to this agency.

### 1. Name of Public Servant (PS):

First: \_\_\_\_\_ Middle: \_\_\_\_\_ Last: \_\_\_\_\_

### 2. Residence (To properly serve a summons to appear in a court of law should the issue go to a legal proceeding):

Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

### 3. Name of department, bureau, or agency by which PS is employed:

Organization/Dept: \_\_\_\_\_

Supervisor's name: \_\_\_\_\_

### 4. Organization's (from Question 3) mailing address:

Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

5. Will PS uphold the Constitution of the United States? \_\_\_\_\_

6. Did PS furnish proof of identity? \_\_\_\_\_

If not, why not: \_\_\_\_\_

7. What was the nature of proof? \_\_\_\_\_

8. Will PS furnish a copy of the law / regulation which authorizes this investigation? \_\_\_\_\_

If not, why not: \_\_\_\_\_

9. Will the PS read aloud the portion of the law authorizing the questions he will ask? \_\_\_\_\_

If not, why not: \_\_\_\_\_

10. Are the answers to the questions voluntary or mandatory ? (Circle One)

11. Are the questions to be asked based upon a specific law / regulation, or are they being used as a discovery process?

\_\_\_\_\_

12. What other uses may be made of this information? \_\_\_\_\_

13. What other agencies may have access to this information? \_\_\_\_\_

14. What will be the effect upon me if I should choose not to answer any part or all of these questions?

Response: \_\_\_\_\_

15. Name of person in government requesting that this investigation be made:

First: \_\_\_\_\_ Middle: \_\_\_\_\_ Last: \_\_\_\_\_

16. Is this investigation 'general' or is it 'special' ? (Circle One)

17. Have you consulted, questioned, interviewed, or received information from any third party relative to this investigation?

Response: \_\_\_\_\_

If so, then specify the identity of such third parties: \_\_\_\_\_

\_\_\_\_\_

18. Do you reasonably anticipate either a civil or criminal action to be initiated or pursued based upon any of the requested information?

Response: \_\_\_\_\_

19. Is there a file of records, information, or correspondence relating to me being maintained by this or any agency?

Response: \_\_\_\_\_

If so, then specify the identity of such third parties: \_\_\_\_\_

\_\_\_\_\_

20. Is this agency using any information pertaining to me which was supplied by another agency or government source?

Response: \_\_\_\_\_

21. May I have a copy of that information? \_\_\_\_\_

If not, why not: \_\_\_\_\_

22. Will the public servant guarantee that the information in these files will not be used by any other department other than the one by whom he is employed?

Response: \_\_\_\_\_

If not, why not: \_\_\_\_\_

If any request for information relating to me is received from any person or agency, you must advise me in writing before releasing such information. Failure to do so may subject you to possible civil or criminal action as provided by the act.

I swear (affirm) that the answers I have given to the foregoing questions are complete and correct in every particular.

**X** \_\_\_\_\_ Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Witness: \_\_\_\_\_ Witness: \_\_\_\_\_

**Authorities for Questions:**

- 1,2,3,4 In order to be sure you know exactly who you are giving the information to. Residence and business addresses are needed in case you need to serve process in a civil or criminal action upon this individual.
- 5 All public servants have taken a sworn oath to uphold and defend the constitution.
- 6,7 This is standard procedure by government agents and officers. See Internal Revenue Manual, MT-9900-26, Section 242.133.
- 8,9,10 Title 5 USC 552a, paragraph (e) (3) (A)
- 11 Title 5 USC 552a, paragraph (d) (5), (e) (1)
- 12,13 Title 5 USC 552a, paragraph (e) (3) (B), (e) (3) (C)
- 14 Title 5 USC 552a, paragraph (e) (3) (D)
- 15 Public Law 93-579 (b) (1)

- 16 Title 5 USC 552a, paragraph (e) (3) (A)
- 17,18 Title 5 USC 552a, paragraph (e) (2)
- 19 Title 5 USC 552a, paragraph (d) (5)
- 20,21 Public Law 93-579 (b) (1)
- 22 Title 5 USC 552a, paragraph (d) (1)
- 23 Title 5 USC 552a, paragraph (e) (10)

This questionnaire was written by Daniel J. Schultz. Daniel is a graduate of the U.S. Military Academy at West Point, NY and a practicing attorney in Los Angeles, California. He is the President, and a co-founding member of The Lawyer's Second Amendment Society (LSAS), a nationwide network of pro-right to keep and bear arms attorneys.