

Section 1619



Introduction

Section 1619 is part of the 2008 Farm Bill. Specifically, it prohibits USDA from publicly disclosing certain information about producers. Because AFT's Climate-Smart Commodity Project (Project) must follow NRCS guidelines in delivering technical and financial assistance to producers, it must also comply with Section 1619.

Section 1619 requires AFT to receive a producer's consent before using/disclosing their information for other than the designated purpose. As a Soil Health Advisor, you are a Project partner to AFT and consequently must also be aware of and comply with Section 1619. The standard for compliance is good faith.

AFT staff, Soil Health Advisors, and other Project partners are authorized to access otherwise-protected agricultural information received directly from the producer, from NRCS, or in another manner with the producers' permission. Examples of information include, but are not limited to:

- Producer or landowner name, address and phone number, Social Security Number, or similar personal identifying information
- Farm, tract, field, and contract numbers
- Production shares and share of acres for each Farm Serial Number (FSN) field
- Acreage information, including crop codes
- Attributes for Common Land Units (CLUs) in USDA's Geospatial Information System (GIS)
- Location of conservation practices

Section 1619 responsibilities of AFT staff, Soil Health Advisors, and other Project partners include, but are not limited to:

- Not disclosing information protected by Section 1619 to an individual or organization not directly involved in this Project
- Only using Section 1619 information to perform work directly connected to this Project
- Restricting information access to those individuals who have a demonstrated need to know
- Continuing to comply with the provisions of Section 1619 when this Project is over.

Section 1619 allows public disclosure of otherwise protected information if the information has been transformed into a statistical or aggregate form without naming any individual owner, operator, or producer. A State's "sunshine law", "open records act", or other versions of the Freedom of Information Act is superseded by Section 1619.

AFT's Section 1619 Policy can be obtained from your AFT Regional Contract. In addition, AFT maintains a Section 1619 Waiver. You should consider using it when:

- Inviting a producer to an AFT or other partner program on a topic unrelated to this Project.
- Referring or engaging a third party for the benefit of the Producer.
- Offering a free AFT membership to a Producer involved in this Project.

Note that AFT's Section 1619 Waiver is not an Appearance Waiver. This means that if you wish to profile a producer, please ask for their permission.

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