

Privacy Act; Systems of Records

AGENCY: Assassination Record Review Board (ARRB)

ACTION: Notice of Systems of Records

SUMMARY: Each Federal agency is required by the Privacy Act of 1974, 5 U.S.C. 552a, to provide public notice of systems of records it maintains containing personal information. In this notice the Board provides the required information on two such systems of records.

FOR FURTHER INFORMATION CONTACT: Sheryl L. Walter, ARRB, 600 E. Street, 2nd Floor, Washington, DC. 20530

SUPPLEMENTARY INFORMATION: Section 552a(e) of the Privacy Act of 1974 directs each Federal agency to provide notice to the public of systems of records it maintains on individuals. This notification of two records systems is the first in a series of notices which will bring the Board (an agency established in ()) into full compliance with the Privacy Act.

Future notices will describe other systems of records maintained by the Board. It is the Board's intent to be in full compliance with the Privacy Act by (). Any questions concerning these notices, or other Privacy Act issues, should be directed to the Office of the General Counsel.

Systems of Records

ARRB-1

System Name:

Personnel Security Files.

Security Classification:

Classified and unclassified materials.

System Location:

ARRB, 600 E. Street, 2nd Floor, Washington, DC 20530.

Categories Of Individuals Covered By The System:

Employees and applicants for employment with () and () contractors;

consultants; other individuals requiring access to classified materials and facilities.

Categories Of Records In The System:

Personnel security folders and requests for security clearances, Forms SF 86, 86A, 312, (). In addition, records containing the following information:

- (1) Security clearance request information:
- (2) Records of security education.
- (3) Records of any security infractions;
- (4) Employee identification files (including photographs) maintained for access purposes.

Authority For Maintenance Of The System:

()

Routine Uses Of Records Maintained In The System, Including Categories Of Users And The Purposes Of Such Uses:

- (1) to determine which individuals should have access to classified material.
- (2) to determine eligibility for security clearances.

Storage:

Paper records.

Retrievability:

By name.

Safeguards:

Access is limited to employees having a need to know. Records are stored in locked file cabinets in a controlled access area.

Policies And Practices For Storing, Retrieving, Accessing, Retaining, And Disposing of Records In The System:

Retention And Disposal: ()

System Manager And Address:

ARRB, 600 E. Street NW, 2nd Floor, Washington, DC 20530.

Attention: Security Management Officer.

Notification Procedure:

Requests by an individual to determine if () contains information about him/her should be directed to the General Counsel, ARRB, 600 E. Street NW, Washington, DC 20520. Required identifying information: Complete Name.

Record Access Procedure:

Same as Notification procedure above, except individual must show official photo identification, such as driver's license, passport, or government identification before viewing records.

Contesting Record Procedure:

Same as Record Access Procedure.

Record Source Categories:

Subject individuals, Questionnaire for Sensitive Positions (SF-86)

System Exempted From Certain Provisions Of The Act:

None.

ARRB-2

System Name:

Administrative and Travel Files.

System Classification:

Unclassified

System Location:

ARRB, 600 E. Street NW, Washington, DC 20530

Categories Of Individuals Covered By The System:

Employees and applicants for employment with (), including () contractors and consultants.

Categories Of Records In The System:

Record containing the following information:

- (1) Time and attendance;
- (2) Payroll actions and deduction information requests;

- (3) Authorizations for overtime and night differential;
- (4) Credit cards and telephone calling cards issued to individuals;
- (5) Destination, itinerary, mode and purpose of travel;
- (6) Date(s) of travel and all expenses;
- (7) Passport number;
- (8) Requests for advance of funds, and voucher with receipts;
- (9) Travel authorizations;
- (10) Name, address, social security number and birth date;
- (11) Employee parking permits.

Authority For Maintenance Of The System:

()

Routine Uses Of Records Maintained In The System, Including Categories Of Users And The Purposes Of Such Uses:

Treasury Department-To collect withheld taxes, print payroll checks, and issue savings bonds.

Internal Revenue Service-To process Federal income tax.

State and Local Government-To process state and local income tax.

Office of Personnel Management-Retirement records and benefits.

Social Security Administration-Social Security record and benefits.

Department of Labor-To process-To process Workmen's Compensation claims.

Department of Defense-Military Retired Pay Offices-To adjust Military retirement.

Savings Institutions-To credit accounts for savings made thorough payroll deductions.

Health Insurance Carriers-To process insurance claims.

General Accounting Office-Audit-To verify accuracy and legality of disbursement.

Veteran's Administration-To evaluate veteran's benefits to which the

individual may be entitled.

States' Department of Employment Security–To determine entitlement to unemployment compensation or other state benefits.

Travel Agencies–To process travel itineraries.

Policies And Practices For Storing, Retrieving, Accessing, Retaining, And Disposing Of Records In The System:

STORAGE:

Paper records, magnetic disk, and computer printouts.

Retreivablility:

By name, social security number, travel dates, and alphanumeric code.

SAFEGUARDS:

Access is limited to employees having a need to know. Records are stored in locked file cabinets in a controlled access area in accordance with Board directives and Federal Guidelines.

Retention and Disposal:

()

System Manager And Address:

ARRB, 600 E. Street NW 2nd Floor, Washington, DC 20530, Attention: Sheryl Walter, General Counsel

Notification Procedure:

Requests by an individual to determine to determine if () contains information about him/her should be directed to the General Counsel, ARRB, 600 E Street NW 2nd Floor, Washington, DC 20530. Required identifying information: Complete name, social security number, and date of birth.

Record Access Procedure:

Same as Notification procedures above, expect individual must show official photo identification, such as driver's license, passport, or government identification before viewing records.

Contesting Record Procedure:

Same as Record Access procedure.

Record Source Categories:

Subject individuals, timekeepers, official personnel records, GSA for accounting and payroll, OPM for official personnel records, IRS and State officials for withholding and tax information, and travel agency contract.

System Exempted From Certain Provisions Of The Act:

None.

Rules Implementing the Privacy Act

Agency: *Assassination Records Review Board (ARRB)*

Action: *Proposed rule.*

Summary: *Each Federal agency is required by the Privacy Act of 1974, 5 U.S.C. 552a, to promulgate rules which set forth procedures by which individuals can examine and request correction of agency records containing personal information. In this notice the Board proposes a rule to satisfy that requirement.*

Dates: *Comment period expires ()*

Addresses: *Mail comments to: ARRB, 600E Street NW 2nd Floor, Washington DC 20530, Attention: Sheryl L. Walter, General Counsel*

For Further Information Contact: ARRB, 600 E Street NW 2nd Floor, Washington, DC 20530, Attention: Sheryl L. Walter, General Counsel

Supplementary Information:

Section (f) of the Privacy Act of 1974, 5 U.S.C. 552a (f), requires each Federal agency to promulgate rules which, in the main, set forth procedures by which individuals can examine and request correction of agency records established ("Act"). is therefore obligated to publish such regulations.

Because Privacy Act regulations are intended for use by the general public, the Board has tried to keep its proposed rule simple and straightforward. Some aspects of the Privacy Act dealing solely with the Board's internal procedures and safeguards will be dealt with by directive to the Board's staff rather than by rule. The Board sees no need to elaborate upon the Act's penalty sections in the rule, as those sections are self-executing.

The proposed rule is largely self-explanatory, and is fairly typical of other Federal agency rules in this area. The board would particularly appreciate public comment on four aspects of the rule:

(1) Is the rule consistent with the Privacy Act?

(2) Is the rule complete as regards public access to records and record correction?

(3) Is the rule clear and understandable?

(4) Is the fee provision reasonable?

Paperwork Reduction Act Statement

The proposed rule is not subject to the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.) because it does not contain any information collection requirements within the meaning of 44 U.S.C. 3502(4).

Regulatory Flexibility Act Certification

As required by the Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601-12), the Board certifies that this rule, if adopted, will not have a

significant economic impact on a substantial number of small entities and that, therefore, a regulatory flexibility analysis need not be prepared, 5 U.S.C. 605(b).

List of Subjects in (X)CFR Part (XXXX)

Privacy Act.

The Proposed Regulations

Accordingly, chapter (XXXX) of title (XX) of the Code of Federal Regulations is proposed to be amended by adding a part 1705 to read as follows:

Chapter XVII-Defense Nuclear Facilities Safety Board

Part 1705-Privacy Act

Sec.

XXXX.01 Scope.

XXXX.02 Definitions.

XXXX.03 Systems of records notification.

XXXX.04 Requests by persons for access to their own records.

XXXX.05 Processing of requests

XXXX.06 Appeals from access denials.

XXXX.07 Requests for correction of records.

XXXX.08 Appeals from correction denials.

XXXX.09 Disclosure of records to third parties

XXXX.10 Fees.

XXXX.11 Exemptions.

Authority U.S.C> 552a(f).

§ XXXX.01 Scope.

This part contains the board's regulations implementing the Privacy Act of 1974, Public Law 93-579, 5 U.S. 552a.

§ XXXX.02 Definitions.

The following terms used in these regulations and defined in the Privacy Act, 5 U.S.C. 552a(a): 'agency,' "individual," "maintain," "record," "system of record," "statistical record," and "routine use." The Board's use of these terms conforms with the statutory definitions. References in this part to "the Act" refer to the Privacy Act of 1974.

§ XXXX.03 Systems of records notification.

(a) *Public notice.* The board has published in the **Federal Register** its system of records. The Office of the Federal Register biannually compiles and publishes all systems of records maintained by Federal agencies, including the board.

(b) *Requests regarding record systems.* Any person who wishes to know whether a system of records contains a record pertaining to him or her may file a request in person or in writing. Written requests should be directed to General Counsel, ARRB, 600 E Street NW, Washington, DC 20530. Telephone requests should be made by calling the Board at 202-724-0088, and asking to speak to the General Counsel.

§ XXXX.04 Requests by person for access to their own records.

(a) *Requests in writing.* A person may request access to his or her own records in writing by addressing a letter to: General Counsel, ARRB, 600 E Street NW 2nd Floor, Washington, DC 20530. The request should contain the following information:

(1) Full name, address, and telephone number of requester.

(2) Proof of identification, which should be a copy of one of the following: Valid driver's license, valid passport, or other current identification which contains both an address and picture of the requester,

(3) The system of records in which the desired information is contained, and

(4) At the requester's option, authorization for expenses (see §

XXXX.10) below).

(b) *Requests in person.* Any person may examine his or her own record on the Board's premises. To do so, the person should call the Board's offices at 202-724-0088 and ask to speak to the General Counsel. This call should be made at least two weeks prior to the time the requester would like to see the records. During this call, the requester should be prepared to provide the same information as that listed in paragraph (a) of this section expect for proof of identification.

§ XXXX.05 Processing of requests.

(a) *Requests in writing.* The General Counsel will acknowledge receipt of the request within five working days of its receipt in the Board's offices. The acknowledgment will advise the requester if any additional information is needed to process the request. Within fifteen working days of receipt of the request, the General Counsel will provide the requester why additional time is needed for response.

(b) *Requests in person.* Following the initial call from the requester, the General Counsel will determine (1) whether the records identified by the requester exist, and (2) whether they are subject to any exemption under §XXXX.11 below. If the records exist and are not subject to exemption, the General Counsel will call the requester and arrange an appointment at mutually agreeable time when the records can be examined. The requester may be accompanied by one person of his or her own choosing, and should state during this call whether or not a second individual will be present at the appointment. At the appointment, the requester will be asked to present identification as stated in §XXXX.04(a)(2).

(c) *Excluded information.* If a request is received for information compiled in reasonable anticipation of litigation, the General Counsel will inform the requester that this information is not subject to release under the Privacy Act (see 5 U.S.C. 552a(d)(5)O).

§ XXXX.06 Appeals from access denials.

When access to records has been denied by the General Counsel, the requester may file an appeal in writing. This appeal should be directed to the Boards Chairman, John Tunheim, 600 E. Street NW 2nd Floor, Washington, DC 20530. The appeal letter must (a) specify those denied records which are still sought, and (b) state why the denial by the General Consul erroneous. The Chairman or his designee will respond to such appeals within twenty working days after the appeal letter has been received in the Board's offices. the appeal determination will explain the basis for continuing to deny access to any requested records.

§ XXXX.07 Requests for correction of records.

(a) *Correction requests.* Any person is entitled to request correction of a record pertaining to him or her. This request must be made in writing and should be addressed to General Counsel, ARRB, 600 E Street NW 2nd Floor, Washington, DC 20530. The letter should clearly identify the corrections desired. An edited copy will usually be acceptable for this purpose.

(b) *Initial response.* Receipt of a correction request will be acknowledged by the General Counsel in writing within five working days of receipt of the request. The General Counsel will endeavor to provide a letter to the requester within thirty working days stating whether or not the request for correction has been granted or denied. If the General Counsel decides to deny any portion of the correction request, the reasons for the denial will be provided to the requester.

§ XXXX.08 Appeals from correction denials.

(a) When amendment of records has been denied by the General Counsel, the requester may file an appeal in writing. This appeal should be directed to the Chairman, John Tunheim, 600 E Street NW 2nd Floor, Washington, DC 20530. The appeal letter must (1) specify the record subject to the appeal, and (2) state why the denial of amendment by the General Counsel is erroneous. The Chairman or his designee will respond to such appeals

within thirty working days (subject to extension by the Chairman for good cause) after the appeal letter has been received in the Board's offices.

(b) The appeal determination, if adverse to the requester in any respect, will (1) Explain the basis for denying amendment of the specified records, (2) inform the requester that he or she may file a concise statement setting forth reasons for disagreeing with the Chairman's determination, and (3) inform the requester of his or her right to pursue a judicial remedy under 5 U.S.C. 552a(g)(1)(A).

§ XXXX.09 Disclosure of Records to third parties.

Records subject to the Privacy Act that are requested by an person other than the individual to whom they pertain will not be made available except in the following circumstances:

(a) Their release is required under the Freedom of Information Act in accordance with the Board's FOIA regulations, (XX CFR part (XXXX);)

(b) Prior consent for disclosure is obtained in writing from the individual to whom the records pertain; or

(c) Release is authorized by 5 U.S.C. 552a(b)(1) or (3) through (11).

(§ XXXX.11) Exemptions.

