

- Sinaloa, Mexico; Boulevard Francisco I. Madero Numero 145 al Oriente, Colonia Centro, Culiacan, Sinaloa, Mexico; DOB 24 Mar 1966; POB Mazatlan, Sinaloa, Mexico; Alt. POB Culiacan, Sinaloa, Mexico; Citizen Mexico; Nationality Mexico; R.F.C. FIPP660324 (Mexico); C.U.R.P. FIPP660324HSLTRB07 (Mexico); (INDIVIDUAL) [SDNTK]
8. FITCH TOVAR, Jose Manuel, c/o COMPANIA MINERA DEL RIO CIANURY S.A. DE C.V., Culiacan, Sinaloa, Mexico; c/o MINERA LA CASTELLANA Y ANEXAS S.A. DE C.V., Culiacan, Sinaloa, Mexico; c/o MINERA RIO PRESIDIO S.A. DE C.V., Culiacan, Sinaloa, Mexico; c/o COPA DE PLATA S.A. DE C.V., Culiacan, Sinaloa, Mexico; Rio de la Plata, numero 28, Campo Bello de Mazatlan, Sinaloa, Mexico; DOB 28 Dec 1936; POB Panuco, Concordia, Sinaloa, Mexico; Citizen Mexico; Nationality Mexico; R.F.C. FITM361228 (Mexico); (INDIVIDUAL) [SDNTK]
9. DUARTE MUNOZ, Roque (a.k.a. CAMPOS ARREDONDO, Humberto); c/o COMPANIA MINERA DEL RIO CIANURY S.A. DE C.V., Culiacan, Sinaloa, Mexico; DOB 09 Dec 1960; POB Mexico; (INDIVIDUAL) [SDNTK]
10. AGUIRRE CARDONA, Armando, Mexico; DOB 28 Oct 1955; POB Nuevo Leon, Monterrey, Mexico; Citizen Mexico; Nationality Mexico; C.U.R.P. AUCA551028HNLGRR03 (Mexico); R.F.C. AUCA551028 (Mexico); (INDIVIDUAL) [SDNTK]
11. QUINTERO ARCE, Juan Francisco (a.k.a. "El Chato"); Mexico; DOB 26 Aug 1959; POB Mocorito, Sinaloa, Mexico; Citizen Mexico; Nationality Mexico; R.F.C. QUAJ590826P41 (Mexico); C.U.R.P. QUAJ590826HSLNRN02 (Mexico); (INDIVIDUAL) [SDNTK]
12. LUCERO DE MARTINEZ, Sandra (a.k.a. VALENCIA ZAZUETA, Sandra; a.k.a. LUCERO VALENZUELA, Sandra; a.k.a. VALENZUELA, Sandra; a.k.a. VALENZUELA ZAZUETA, Sandra); Mexico; DOB 29 Oct 1969; POB Nogales, Sonora, Mexico; Citizen Mexico; Nationality Mexico; C.U.R.P. VAZS691029MSRLZN04 (Mexico); C.U.R.P. VAZS691029HSRLZN04 (Mexico); (INDIVIDUAL) [SDNTK]
13. GUZMAN ENRIQUEZ, Juan Luis, Mexico; DOB 24 Jun 1950; POB La Huacana, Michoacan De Ocampo, Mexico; Citizen Mexico; Nationality Mexico; R.F.C. GUEJ500624 (Mexico); C.U.R.P. GUEJ500624HDFZNN06 (Mexico); (INDIVIDUAL) [SDNTK]
14. VEGA SANCHEZ, Jose Raul, c/o AGRICOLA GAXIOLA S.A. DE C.V., Hermosillo, Sonora, Mexico; c/o INMUEBLES SIERRA VISTA S.A. DE C.V., Hermosillo, Sonora, Mexico; c/o TEMPLE DEL PITIC S.A. DE C.V., Hermosillo, Sonora, Mexico; DOB 19 Oct 1956; POB Cananea, Sonora, Mexico; Citizen Mexico; Nationality Mexico; C.U.R.P. VESR561019HSRGNL09 (Mexico); C.U.R.P. VEXR561019HSRGXL05 (Mexico); (INDIVIDUAL) [SDNTK]
15. FONTES MORENO, Eleazar, c/o AGRICOLA GAXIOLA S.A. DE C.V., Hermosillo, Sonora, Mexico; c/o TEMPLE DEL PITIC S.A. DE C.V., Hermosillo, Sonora, Mexico; Avenida Serdan No. 122 Poniente, Altos 10, Hermosillo, Sonora, Mexico; Ave. Real 73, Hermosillo, Sonora 83200, Mexico; DOB 23 Jul 1947; POB Hermosillo, Sonora, Mexico; Citizen Mexico; Nationality Mexico; Passport 260057687 (Mexico); C.U.R.P. FOME470723HSRNRL05 (Mexico); (INDIVIDUAL) [SDNTK]
16. VALENCIA JAIME, Rafael Angel, c/o AGRICOLA GAXIOLA S.A. DE C.V., Hermosillo, Sonora, Mexico; c/o TEMPLE DEL PITIC S.A. DE C.V., Hermosillo, Sonora, Mexico; Ave Articulo 123 109, Hermosillo, Sonora 83287, Mexico; DOB 22 Jan 1968; POB Hermosillo, Sonora, Mexico; Citizen Mexico; Nationality Mexico; Passport 02260105052 (Mexico); C.U.R.P. VAJR680122HSRLMF08 (Mexico); (INDIVIDUAL) [SDNTK]
17. BALDENEGRO BASTIDAS, Manuel Dario, c/o AGRICOLA GAXIOLA S.A. DE C.V., Hermosillo, Sonora, Mexico; DOB 11 Jan 1963; POB Hermosillo, Sonora, Mexico; Alt. POB Distrito Federal, Mexico, Mexico; Citizen Mexico; Nationality Mexico; Passport 260000406 (Mexico); C.U.R.P. BABM630111HSLLSN16 (Mexico); C.U.R.P. BABM630111HSLLSN08 (Mexico); (INDIVIDUAL) [SDNTK]

Dated: August 5, 2008.

**Adam J. Szubin,**

*Director, Office of Foreign Assets Control.*  
[FR Doc. E8-18419 Filed 8-8-08; 8:45 am]

**BILLING CODE 4811-45-P**

## DEPARTMENT OF VETERANS AFFAIRS

### Privacy Act of 1974; System of Records

**AGENCY:** Department of Veterans Affairs.  
**ACTION:** Notice of Amendment to and Republication of System of Records.

**SUMMARY:** As required by the Privacy Act of 1974, 5 U.S.C. 552a(e), notice is hereby given that the Department of Veterans Affairs (VA) is amending the system of records currently known as "Inspector General Complaint Center Records—VA" (66VA53) as set forth in the **Federal Register** at 49 FR 10216. VA is amending the system of records by renaming the system, revising the Categories of Individuals Covered by the System, revising the Categories of Records in the System, adding a Purpose(s) section, and amending the Routine Uses of Records Maintained in the System, including Categories of Users and the Purposes of Such Uses, and Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records in the System. Minor nomenclature changes, to reflect current titles and organizational elements, are being made. VA is republishing the system notice in its entirety.

**DATES:** Comments on the amendment of this system of records must be received not later than September 10, 2008. If no public comment is received, the amended system will become effective September 10, 2008.

**ADDRESSES:** Written comments concerning the proposed amended system of records may be submitted by: mail or hand-delivery to Director, Regulations Management (OOREG1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Room 1068, Washington, DC 20420; fax to (202) 273-9026; or e-mail to "VAregulations@va.gov." All comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461-4902 for an appointment.

**FOR FURTHER INFORMATION CONTACT:** Timothy J. McGrath, Attorney Advisor, Department of Veterans Affairs, Office of Inspector General (50C), 810 Vermont Avenue, NW., Washington, DC 20420; or fax comments to (202) 565-8667; or e-mail comments to [timothy.mcgrath@va.gov](mailto:timothy.mcgrath@va.gov).

**SUPPLEMENTARY INFORMATION:** This publication is in accordance with the

Privacy Act requirement that agencies publish their amended system of records in the **Federal Register** when there is revision, change, or addition. The VA Office of Inspector General (OIG) has reviewed its systems of records notices and has determined its record system, "Inspector General Complaint Center Records—VA" (66VA53), should be amended to reflect evolving technology and procedures and to conform to current practice. The system name is being changed to "Inspector General Hotline (Complaint Center) Records" (66VA53) to more accurately reflect the role and mission of the OIG Hotline Division and the records created.

The Categories of Individuals Covered by the System still covers complainants and subjects of those complaints. The text of the section is being amended by defining who those individuals might be.

The Categories of Records in the System is amended to include cellular telephone numbers, e-mail addresses, dates of birth, Social Security Numbers, and final reports by VA OIG divisions or other VA components.

This system of records is also amended by adding a Purposes section. The Purposes section more fully explains the mission of the VA OIG Hotline Division.

There are several changes made to the routine use disclosures including the addition of new routine uses and the deletion of former routine uses. Former routine use number 1 remains the same. Former routine uses numbers 2 and 3 are combined into new routine use number 5. For clarity purposes, former routine use numbers 2 through 10 are deleted in their entirety and new text is substituted. The text changes reflect new routine uses that are consistent with law as well as for the purposes for which the records are maintained. The proposed changes are as follows:

Routine use number 1 remains the same and allows for disclosure of information from the record of an individual in response to an inquiry from a congressional office on behalf of that individual.

Routine use number 2 is a new routine use and is added to reflect that disclosure may be made to the National Archives and Records Administration (NARA). NARA is responsible for archiving records no longer actively used but may be appropriate for preservation, and is responsible in general for the physical maintenance of the Federal government's records. VA must be able to turn records over to NARA in order to determine the proper disposition of such records.

Routine use number 3 allows VA to disclose records to the U.S. Department of Justice. When VA is involved in litigation or an adjudicative or administrative process, or occasionally when another party is involved in litigation or an adjudicative or administrative process, and VA policies or operations could be affected by the outcome of the litigation or process, VA must be able to disclose that information to the court, adjudicative or administrative bodies, or parties involved. This routine use would not constitute authority to disclose records in response to a grand jury or other subpoena under Privacy Act subsection (b) because of the Court's analysis in *Doe v. DiGenova*, 779 F.2d 74, 78–84 (D.C. Cir. 1985) and *Doe v. Stephens*, 851 F.2d 1457, 1465–67 (D.C. Cir. 1988).

Routine use number 4 allows disclosure of information to a Federal, state, or local agency maintaining civil or criminal violation records or other pertinent information such as prior employment history, prior Federal employment background investigations, and/or personal or educational information relevant to the hiring transfer, or retention of an employee, the letting of a contract, the granting of a security clearance, or the issuance of a grant or other benefit.

Routine use number 5 allows VA on its own initiative to disclose information, except names and addresses of veterans and their dependents, that is relevant to a suspected or reasonably imminent violation of law, whether civil, criminal, or regulatory in nature and whether arising by general or program statute or by regulation, to a Federal, state, local tribal, or foreign agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, regulation, rule or order. VA may also disclose the names and addresses of veterans and dependents to a Federal or state agency charged with the responsibility of investigating or prosecuting civil, criminal or regulatory violations.

Routine use number 6 allows disclosure to attorneys representing clients who are subjects of criminal investigations. This routine use is necessary to allow VA to be able to provide information and records to attorneys representing subjects of criminal investigations, including veterans, Federal employees, retirees, volunteers, contractors or private citizens.

Routine use number 7 allows disclosure to the Federal Labor Relations Authority (FLRA) (including

its General Counsel) in connection with the investigation and resolution of allegations of unfair labor practices, in connection with the resolution of exceptions to arbitrator awards when a question of material fact is raised, in connection with matters before the Federal Service Impasses Panel, and to investigate representation petitions and conduct or supervise representation elections. This release of information to FLRA from this Privacy Act system of records is necessary to comply with the statutory mandate under which FLRA operates. This information is necessary to allow the FLRA to properly investigate and resolve allegations of unfair labor practices brought against VA.

Routine use number 8 allows information to be disclosed to the Equal Employment Opportunity Commission (EEOC) in connection with investigations of alleged or possible discrimination practices, examination of Federal affirmative employment programs, compliance with the Uniform Guidelines of Employee Selection Procedures, or other functions vested in the Commission by the President's Reorganization Plan No. 1 of 1978. This disclosure is necessary to allow the EEOC access to relevant information.

Routine use number 9 allows information to be disclosed to officials of the Merit Systems Protection Board, and the Office of Special Counsel, in connection with appeals, special studies of the civil service and other merit systems, reviews of rules and regulations, investigation of alleged or possible prohibited personnel practices, and such other functions, promulgated in Title 5, United States Code, Sections 1205 and 1206, or as may be authorized by law. This disclosure is necessary to allow the MSPB and OSC access to relevant information if properly requested.

Routine use number 10 allows disclosure of information, in the course of presenting evidence in or to a court, magistrate, administrative tribunal or grand jury, including disclosures to opposing counsel, in the course of such proceedings in order to further the interests of justice.

Routine use number 11 allows information in this system of records to be disclosed to any source or person, either private or governmental, to the extent necessary to secure from such source or person information relevant to, and sought in furtherance of, a legitimate investigation, review, or inspection.

Routine use number 12 allows disclosure to Federal, state, or local professional, regulatory, or disciplinary

organizations, including but not limited to bar associations, state licensing boards, and similar professional entities, for use in disciplinary proceedings. This routine use is necessary so VA can appropriately provide information about a person's conduct or actions, related to their employment, to an entity that regulates such conduct.

Routine use number 13 allows disclosure of information to individuals or entities with which VA has a contract, subcontract or agreement to perform services. VA must be able to provide information to its contractors or subcontractors in order for them to perform the services of the contract or agreement.

Routine use number 14 is a routine use suggested by the Office of Management and Budget (OMB) for all Privacy Act systems of records, in order to allow for the appropriate mitigation of a possible data breach.

The Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records in the System section is amended to more accurately reflect the advances in technology from solely a paper environment to an electronic one. Records and information are stored electronically in the VA OIG's Master Case Index (MCI) database and servers. Backup records are stored on magnetic disc, tape and CD-ROM and may also be maintained in hard copy format in secure file folders.

*Storage:* This section is amended to clarify that the particular OIG organization office that conducted the review, inspection or investigation maintains the hard copies of documents and information. The component office will maintain all documents, evidence and work papers compiled or collected. Records and documents are also maintained electronically by being scanned or uploaded into the MCI database, but the documents cannot be searched or retrieved as part of a general search.

*Retrievability:* This section is amended to reflect that information and records are now retrieved by MCI Hotline case number. In addition, electronic records and information are retrieved by the names of the complainants, names of the subjects of the complaints, as well as such persons' title and Social Security Number if entered in those fields. It is important to note that any scanned documents, reports or other uploaded information that are made part of the case file cannot be searched or retrieved from the MCI database as part of general search.

*Safeguards:* This section is amended to further describe the administrative, physical and technical safeguards the

OIG uses to protect records and information.

*Retention and Disposal:* This section is amended to reflect that OIG follows retention and disposal authorities approved by the Archivist of the United States.

*Record Source Categories:* This section is amended to reflect from whom information can be obtained.

The Report of Intent to Amend a System of Records Notice and an advance copy of the system notice have been sent to the appropriate congressional committees and to the Director of the Office of Management and Budget (OMB) as required by 5 U.S.C. 552a(r) (Privacy Act) and guidelines issued by OMB (65 FR 77677), December 12, 2000.

Approved: July 24, 2008.

**Gordon H. Mansfield,**

*Deputy Secretary of Veterans Affairs.*

#### **66VA53**

##### **SYSTEM NAME:**

Inspector General Hotline (Complaint Center) Records (66VA53).

##### **SYSTEM LOCATION:**

Department of Veterans Affairs (VA), Office of Inspector General (OIG), Office of Assistant Inspector General for Management and Administration (53), Washington, DC 20420.

##### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

The following categories of individuals will be covered by the system: individuals who are the subjects of complaints and complainants. Subjects and complainants may be VA employees or third parties (e.g., a veteran, VA beneficiary, contractor, or private citizen). Complaints and information about OIG employees are also covered in this system. Subjects of Hotline complaints are those alleged to have engaged in wrongdoing or impropriety, either criminal, civil, or administrative, either in the performance of their official VA duties or related to the programs and operations of VA. The allegations are made to the OIG Hotline by complainants, who are individuals who have reported the possible existence of an activity constituting a violation of law, rule or regulation, or mismanagement, gross waste of funds, abuse of authority or a substantial and specific danger to the public health and safety. Complaints also may be made anonymously.

##### **CATEGORIES OF RECORDS IN THE SYSTEM:**

Records (or information contained in records) in this system may include: (1)

The name, home and work address, e-mail address, and home, work and cellular phone numbers of the complainant; (2) the name, title, date of birth, Social Security Number and home and work address of the subject of the complaint; and (3) the location and nature of the alleged wrongdoing. The records maintained in this system may also include: (1) documentation and other evidence from the complainant; (2) correspondence between the VA OIG Office of Management and Administration (53) and other components of the Office of Inspector General, agency departments, and the complainant; and (3) restricted reports based on the investigation of the alleged wrongdoing or impropriety.

##### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title 5, United States Code, Appendix 3.

##### **PURPOSE(S):**

Records and information in this system are used to record information related to official complaints made to the VA OIG. The Hotline Division is the OIG's complaint center and serves as the recipient of all types of complaints about impropriety and wrongdoing related to VA programs and operations. The specific information about each complaint, including name of complainant, name of subject, and the allegations of improper conduct, is recorded and then forwarded to the appropriate entity for investigation, review, or resolution. The information is used to provide prompt, responsive, and accurate information regarding the status of Hotline complaints. The information is also used to provide a record of the complaint disposition and statistical information about complaints.

##### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office that is made at the request of that individual.

2. Disclosure may be made to the National Archives and Records Administration (NARA) in records management activities and inspections conducted under authority of Title 44, United States Code.

3. Disclosure may be made to the Department of Justice including United States Attorneys, or in a proceeding before a court, adjudicative body, or other administrative body when the litigation or adjudicative or administrative process is likely to affect VA, its employees, or any of its

components, or when VA, its employees, or any of its components is a party to the litigation process, or has an interest in the litigation or process and the use of these records is deemed by VA to be relevant and necessary to the litigation or process, provided that the disclosure is compatible with the purpose for which the records were collected.

4. Any information in this system, except the name and address of a veteran, may be disclosed to a Federal, state, or local agency maintaining civil or criminal violation records or other pertinent information such as prior employment history, prior Federal employment background investigations, and/or personal or educational background in order for VA to obtain information relevant to the hiring, transfer, or retention of an employee, the letting of a contract, the granting of a security clearance, or the issuance of a grant or other benefit. The name and address of a veteran may be disclosed to a Federal agency under this routine use if this information has been requested by the Federal agency in order to respond to the VA inquiry.

5. VA may disclose on its own initiative any information in this system, except the names and home addresses of veterans and their dependents, which is relevant to a suspected or reasonably imminent violation of law, whether civil, criminal, or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, to a Federal, state, local, tribal, or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule or order. On its own initiative, VA may also disclose the names and addresses of veterans and dependents to a Federal or state agency charged with the responsibility of investigating or prosecuting civil, criminal, or regulatory violations of law, or charged with enforcing or implementing the statute, regulation, rule, or order issued pursuant thereto.

6. To assist attorneys in representing their clients, any information in this system may be disclosed to attorneys representing subjects of investigations, including veterans, Federal government employees, retirees, volunteers, contractors, subcontractors, or private citizens, except where VA has decided release is inappropriate under Title 5, United States Code, Section 552a(j) and (k).

7. Disclosure of information to Federal Labor Relations Authority (FLRA), including its General Counsel,

when requested in connection with the investigation and resolution of allegations of unfair labor practices, in connection with the resolution of exceptions to arbitrator awards when a question of material fact is raised, in connection with matters before the Federal Service Impasses Panel, and to investigate representation petitions and conduct or supervise representation elections.

8. Information may be disclosed to the Equal Employment Opportunity Commission when requested in connection with investigations of alleged or possible discriminatory practices, examination of Federal affirmative employment programs, compliance with the Uniform Guidelines of Employee Selection Procedures, or other functions vested in the Commission by the President's Reorganization Plan No. 1 of 1978.

9. Information may be disclosed to officials of the Merit Systems Protection Board, and the Office of Special Counsel, when properly requested in connection with appeals, special studies of the civil service and other merit systems, reviews of rules and regulations, investigation of alleged or possible prohibited personnel practices, and such other functions, promulgated in Title 5, United States Code, Sections 1205 and 1206, or as may be authorized by law.

10. Any information in this system of records may be disclosed, in the course of presenting evidence in or to a court, magistrate, administrative tribunal, or grand jury, including disclosures to opposing counsel in the course of such proceedings or in settlement negotiations.

11. Any information in this system may be disclosed to any source or person, either private or governmental, to the extent necessary to secure from such source or person information relevant to, and sought in furtherance of, a legitimate investigation, review, or inspection.

12. Any information in this system, except the name and address of a veteran, may be disclosed to Federal, state, or local professional, regulatory, or disciplinary organizations or associations, including but not limited to bar associations, state licensing boards, and similar professional entities, for use in disciplinary proceedings and inquiries preparatory thereto, where VA determines that there is good cause to question the legality or ethical propriety of the conduct of a person employed by VA or a person representing a person in a matter before VA. The name and address of a veteran may be disclosed to a Federal agency under this routine use

if this information has been requested by the Federal agency in order to respond to the VA inquiry.

13. VA may disclose information to individuals, organizations, private or public agencies, or other entities with which VA has a contract or agreement or where there is a subcontract to perform such services as VA may deem practicable for the purposes of laws administered by VA, in order for the contractor or subcontractor to perform the services of the contract or agreement.

14. Disclosure of any information within this system may be made when it is suspected or confirmed that the security or confidentiality of information in the system or records has been compromised and VA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interest, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by VA or another agency or entity) that rely upon the compromised information; and the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in connection with VA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

Records and information are stored electronically in the VA OIG's MCI (Master Case Index) databases and servers at the OIG's headquarters office at 801 I Street, NW., Washington, DC 20420, in the office of the OIG's Information Technology Division. Backup records are stored on magnetic disc, tape and CD-ROM and may also be retained in hard copy format in secure file folders. The VA OIG Hotline Division is responsible for electronically inputting records and information received from complainants, referrals and correspondence related to the initiation of a Hotline case, and final reports. Information inputted electronically includes all correspondence to and from the complainant, correspondence (including e-mail messages) to and among VA OIG organizational elements about the complaint, and correspondence to and from any VA component to which the Hotline case was referred. Complaints and information about OIG employees, including all investigative reports and work papers, are maintained in electronic files with restricted access limited to those with a need to know the

information in the performance of their official duties in the VA OIG Office of Investigations, VA OIG Human Resources Management Division, VA OIG attorneys, and VA OIG management officials responsible for supervising the VA OIG employee who is the subject of the internal investigation.

Hard copies of records and information are discussed in the storage section below.

**STORAGE:**

Hard copies of documents and information are maintained by the OIG organization that conducts the review, inspection, or investigation. For example, the Administrative Investigations Division, at VA OIG headquarters, maintains hard copies of an investigative file which contains the case referral from Hotline, the final report, all documentation supporting the final report, draft reports, correspondence, and all information collected as part of the investigation. Similarly, the VA OIG Office of Healthcare Inspections (OHI) maintains hard copies of its Hotline investigations (final reports and supporting documentation) related to individuals at VA OIG headquarters. Other records and information (i.e., work papers) about investigations related to individuals compiled by OHI are maintained in the OHI field office that conducted the investigation. Any internal VA OIG investigations conducted prior to the implementation of electronic files, on VA OIG employees who are the subject of a Hotline complaint, are maintained in hard copy only and are secured in the Office of Investigations, Analysis and Oversight Division (51X). Access to those files is highly restricted.

**RETRIEVABILITY:**

OIG Hotline cases are assigned a Hotline case number in the MCI system. Records are retrieved by the Hotline case numbers. In addition, electronic records may be retrieved by the names of the complainants and names of the subjects of the complaints, retrieved by such persons' title, or by their Social Security number, if entered. It is important to note that scanned documents, reports and other uploaded information that are made part of the Hotline file are not searched or retrieved from the MCI database as part of a general search. Hard copy paper Hotline files are retrieved by the Hotline case number only.

**SAFEGUARDS:**

Information in the system is protected from unauthorized access through administrative, physical, and technical

safeguards. Access to the hard copy and computerized information is restricted to authorized OIG personnel on a need-to-know basis. Hard copy records are maintained in offices that are restricted during work hours, or are locked after duty hours. The headquarters building is protected by security guards and access is restricted during non-duty hours. Access to the computerized information is limited to VA OIG employees by means of passwords and authorized user identification codes.

Computer system documentation is maintained in a secure environment in the Office of Inspector General, VA Central Office.

**RETENTION AND DISPOSAL:**

Records will be maintained and disposed of in accordance with a records disposition authority approved by the Archivist of the United States.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Inspector General for Management and Administration (53), Department of Veterans Affairs, Office of Inspector General, 810 Vermont Avenue, NW., Washington, DC 20420.

**NOTIFICATION PROCEDURE:**

An individual who wishes to determine whether a record is being maintained by the VA OIG Hotline, under his or her name in this system or wishes to determine the contents of such records should submit a written request to the Assistant Inspector General for Management and Administration (53). However, a majority of records in this system are exempt from the notification requirements under 5 U.S.C. 552a (j) and (k). To the extent that records in this system of records are not subject to exemption, they are subject to notification. A determination as to whether an exemption applies shall be made at the time a request for notification is received.

**RECORD ACCESS PROCEDURES:**

An individual who seeks access to or wishes to contest records maintained under his or her name in this system must submit a written request to the Assistant Inspector General for Management and Administration (53). However, a majority of records in this system are exempt from the records access and contesting requirements under 5 U.S.C. 552a (j) and (k). To the extent that records in this system of records are not subject to exemption, they are subject to access and contest. A determination as to whether an exemption applies shall be made at the time a request for access or contest is received.

**CONTESTING RECORD PROCEDURES:**

(See records access procedures above.)

**RECORD SOURCE CATEGORIES:**

Information is obtained from VA employees, third parties (e.g., a veteran, VA beneficiary, VA contractor, or private party), the Government Accountability Office, Department of Veterans Affairs records, congressional, Federal, state, and local offices or agencies.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Under 5 U.S.C. 552a(j)(2), the head of any agency may exempt any system of records within the agency from certain provisions of the Privacy Act, if the agency or component that maintains the system performs as its principal function any activities pertaining to the enforcement of criminal laws. The Inspector General Act of 1978, Public Law 95-452 (IG Act), mandates that the Inspector General recommend policies for and to conduct, supervise, and coordinate activities in the Department of Veterans Affairs and between VA and other Federal, State and local governmental agencies with respect to: (1) The prevention and detection of fraud in programs and operations administered or financed by VA and (2) the identification and prosecution of participants in such fraud. Under the IG Act, whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law, the Inspector General must report the matter expeditiously to the Attorney General. This system of records has been created in major part to support the criminal law-related activities assigned by the Inspector General to the Assistant Inspector General for Investigations. These activities constitute a principal function of the Inspector General's Hotline/Complaint Center staff.

In addition to principal functions pertaining to the enforcement of criminal laws, the Inspector General may receive and investigate complaints and allegations from various sources concerning the possible existence of activities constituting noncriminal violations of law, rules or regulations; mismanagement; gross waste of funds; abuses of authority or substantial and specific danger to the public health and safety. This system of records also exists to support inquiries by the Assistant Inspectors General for Auditing, for Management and Administration and for Healthcare Inspections into these non-criminal violations. Based upon the foregoing, the Secretary of Veterans

Affairs has exempted this system of records, to the extent that it encompasses information pertaining to criminal law-related activities, from the following provisions of the Privacy Act of 1974, as permitted by 5 U.S.C.

552a(j)(2):

- 5 U.S.C. 552a(c) (3) and (4)
- 5 U.S.C. 552a(d)
- 5 U.S.C. 552a(e) (1), (2) and (3)
- 5 U.S.C. 552a(e)(4) (G), and (H) and (I)
- 5 U.S.C. 552a(e) (5) and (8)
- 5 U.S.C. 552a(f)
- 5 U.S.C. 552a(g)

The Secretary of Veterans Affairs has also exempted this system of records to the extent that it does not encompass information pertaining to criminal law-related activities under 5 U.S.C.

552a(j)(2) from the following provisions of the Privacy Act of 1974, as permitted by 5 U.S.C. 552a(k)(2):

- 5 U.S.C. 552a(c)(3)
- 5 U.S.C. 552a(d)
- 5 U.S.C. 552a(e)(1)
- 5 U.S.C. 552a(e)(4) (G), (H) and (I)
- 5 U.S.C. 552a(f)

#### REASONS FOR EXEMPTIONS:

The exemption of information and material in this system of records is necessary in order to accomplish the law enforcement functions of the Office of Inspector General, e.g., to prevent subjects of investigations from frustrating the investigatory process by discovering the scope and progress of an investigation, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information and to avoid endangering these sources and law enforcement personnel.

[FR Doc. E8-18505 Filed 8-8-08; 8:45 am]

BILLING CODE 8320-01-P

## DEPARTMENT OF VETERANS AFFAIRS

### Privacy Act of 1974; System of Records

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Notice of Amendment to System of Records, "Criminal Investigations—VA".

**SUMMARY:** As required by the Privacy Act of 1974, 5 U.S.C. 552a(e), notice is hereby given that the Department of Veterans Affairs (VA) is amending the system of records currently known as "Investigation Reports of Persons Allegedly Involved in Irregularities Concerning VA Laws, Regulations, Etc." (11VA51) as set forth in the **Federal Register** at 70 FR 76498. VA is

amending the system of records by renaming the system, revising the Categories of Individuals Covered by the System, the Categories of Records in the System, the Purpose(s), the Routine Uses of Records Maintained in the System, including Categories of Users and the Purposes of Such Uses, and Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records in the System. VA is republishing the system notice in its entirety.

**DATES:** Comments on the amendment of this system of records must be received not later than September 10, 2008. If no public comment is received, the amended system will become effective September 10, 2008.

**ADDRESSES:** Written comments concerning the proposed amended system of records may be submitted by: Mail or hand-delivery to Director, Regulations Management (OOREG1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Room 1068, Washington, DC 20420; fax to (202) 273-9026; or e-mail to [VAregulations@va.gov](mailto:VAregulations@va.gov). All comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 273-9515 for an appointment.

**FOR FURTHER INFORMATION CONTACT:** Timothy J. McGrath, Attorney Advisor, Department of Veterans Affairs, Office of Inspector General, 810 Vermont Avenue, NW., Washington, DC 20420; or fax comments to (202) 565-8667; or e-mail comments to [timothy.mcgrath@va.gov](mailto:timothy.mcgrath@va.gov).

**SUPPLEMENTARY INFORMATION:** This publication is in accordance with the Privacy Act requirement that agencies publish their amended system of records in the **Federal Register** when there is revision, change, or addition. The VA Office of Inspector General (OIG) has reviewed its systems of records notices and has determined its record system, Investigation Reports of Persons Allegedly Involved in Irregularities Concerning VA Laws, Regulations, Etc., VA (11VA51) should be amended to reflect evolving technology and procedures and to conform to current practice. The system name is being changed to "Criminal Investigations" to more accurately reflect the mission of the OIG Office of Investigations and the records created.

The Categories of Individuals Covered by the System is amended to include VA beneficiaries other than veterans, as well as private citizens whose actions

affect or relate to programs and operations of VA. This section is amended slightly by adding some language to clarify those individuals who are or have been subjects of investigations or are those alleged to have violated criminal laws, either Federal or state either in performance of official duties or related to programs or operations of VA.

The Categories of Records in the System is amended to clarify that the records include allegations of specific wrongdoing or crimes committed as well as case progress reports. In keeping with technological advances, information such as names, dates of birth, social security numbers, and home addresses of subjects are maintained in an electronic database instead of on file cards.

This system of records is also amended by adding a Purposes section. The records are used for identifying criminal offenders and alleged offenders, identifying witnesses and documents relevant to the investigation of the allegations and compiling evidence to prove or disprove criminal conduct. The records and information are used in Federal and state grand jury proceedings, pretrial negotiations, plea agreements, pretrial diversions, court hearings, trials or other administrative action against the subject of the investigation.

There are several changes made to the routine use disclosures. Former routine use numbers 1, 4, and 5 remain the same, and former routine use number 13 is now renumbered as number 14. For clarity purposes former routine use numbers 2, 3, 6, 7, 8, 9, 10, 11 and 12 are deleted in their entirety and new text is substituted. The text changes reflect new routine uses that are consistent with law as well as for the purposes for which the records are maintained. The proposed changes are as follows:

Routine use number 1 remains the same and allows for disclosure of information from the record of an individual in response to an inquiry from a congressional office on behalf of that individual.

Routine use number 2 is a new routine use and is added to reflect that disclosure may be made to the National Archives and Records Administration (NARA). NARA is responsible for archiving records no longer actively used but may be appropriate for preservation, and is responsible in general for the physical maintenance of the Federal government's records. VA must be able to turn records over to NARA in order to determine the proper disposition of such records.