

M. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information or when disclosure is necessary to preserve confidence in the integrity of DHS or any component or is necessary to demonstrate the accountability of DHS or a component's officers, employees, or individuals covered by the system, except to the extent it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

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

STORAGE:

Records in this system are stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records are stored on magnetic disc, tape, digital media, and CD-ROM.

RETRIEVABILITY:

Records are retrieved by individual's name or date and time of the recording.

SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable DHS automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to this computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RETENTION AND DISPOSAL:

All recordings with incidents are retained for six months. Those on which some action may be taken are retained for one year or until the close of the case. The electronic media used to make recording can be reused. Therefore, after the above stated retention period, CBP may reuse the electronic media and thus erase the previous recording.

SYSTEM MANAGER AND ADDRESS:

Port Directors, U.S. Customs and Border Protection, U.S. Customs and Border Protection Headquarters, 1300 Pennsylvania Avenue, NW., Mint Annex, Washington, DC 20229.

NOTIFICATION PROCEDURE:

The Secretary of Homeland Security has exempted this system from certain aspects of the notification, access, and amendment requirements of the Privacy Act. CBP will review each request to determine whether or not notification, access, or amendment should be provided. Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to CBP's FOIA Officer, 1300 Pennsylvania Avenue, NW., Mint Annex, Washington, DC 20229.

When seeking records about yourself from this system of records or any other CBP system of records your request must conform with the Privacy Act regulations set forth in 6 CFR Part 5. You must first verify your identity, meaning that you must provide your full name, current address and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Director, Disclosure and FOIA, <http://www.dhs.gov> or 1-866-431-0486. In addition you should provide the following:

- An explanation of why you believe CBP would have information on you,
- Specify when you believe the records would have been created,
- If your request is seeking records pertaining to another living individual, you must include a statement from that individual verifying that individual's identity and certifying his/her agreement for you to access his/her records.

Without this bulleted information CBP may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

RECORD ACCESS PROCEDURES:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

Audio-video recording of persons being escorted within the port of entry.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Pursuant to exemption 5 U.S.C. 552a(j)(2) of the Privacy Act, portions of this system are exempt from 5 U.S.C. 552a(c)(3) and (4); (d); (e)(1), (e)(2),

(e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5) and (e)(8); (f), and (g). Pursuant to 5 U.S.C. 552a(k)(2), this system is exempt from the following provisions of the Privacy Act, subject to the limitations set forth in those subsections: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f).

Dated: December 10, 2008.

Hugo Teufel III,

Chief Privacy Officer, Department of Homeland Security.

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DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Privacy Act of 1974; System of Records

AGENCY: Privacy Office, DHS.

ACTION: Notice of removal of one Privacy Act system of records notice.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security is giving notice that it will remove four systems of records notices from its inventory of record systems because Customs and Border Protection no longer requires the systems. The four obsolete systems are: Treasury/CS.197 Private Aircraft/Vessel Inspection Reporting System (October 18, 2001), Treasury/CS.252 Valuables Shipped Under the Government Losses in Shipment Act (October 18, 2001), Treasury/CS.171 Pacific Basin Reporting Network (October 18, 2001), and Treasury/CS.050 Community Leader Survey (October 18, 2001).

DATES: *Effective Date:* January 20, 2009.

FOR FURTHER INFORMATION CONTACT:

Hugo Teufel III, Chief Privacy Officer, Department of Homeland Security, Washington, DC 20528, by telephone (703) 235-0780 or facsimile 1-866-466-5370.

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, and as part of its ongoing integration and management efforts, the Department of Homeland Security (DHS) is removing four Customs and Border Protection (CBP) system of records notices from its inventory of record systems.

DHS inherited these record systems upon its creation in January of 2003. Upon review of its inventory of systems of records, DHS has determined it no longer needs or uses these system of records and is retiring the following: Treasury/CS.197 Private Aircraft/Vessel Inspection Reporting System (66 FR

52984 October 18, 2001), Treasury/CS.252 Valuables Shipped Under the Government Losses in Shipment Act (66 FR 52984 October 18, 2001), Treasury/CS.171 Pacific Basin Reporting Network (66 FR 52984 October 18, 2001), and Treasury/CS.050 Community Leader Survey (66 FR 52984 October 18, 2001).

Treasury/CS.197 Private Aircraft/Vessel Inspection Reporting System was originally established to track and assist the U.S. Customs Service in managing pilots and vessel masters arriving in the United States, but is no longer operational.

Treasury/CS.252 Valuables Shipped Under the Government Losses in Shipment Act was originally established to track and assist the U.S. Customs Service in collecting and transmitting funds for deposit, but is no longer operational.

Treasury/CS.171 Pacific Basin Reporting Network was originally established to track and assist the U.S. Customs Service in managing masters, operators, pilots, crew members and passengers traveling, in, around, or through the Pacific Basin, but is no longer operational.

Treasury/CS.050 Community Leader Survey was originally established to track individuals and organizations that may be identified as occupying a community leadership role and in a position to furnish information or pose influence to equal employment opportunity, but is no longer operational.

Eliminating these systems of records notices will have no adverse impacts on individuals, but will promote the overall streamlining and management of DHS Privacy Act record systems.

Dated: December 10, 2008.

Hugo Teufel III,

Chief Privacy Officer, Department of Homeland Security.

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DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS-2008-0141]

Privacy Act of 1974; United States Coast Guard—021 Appointment of Trustee or Guardian for Mentally Incompetent Personnel Files System of Records

AGENCY: Privacy Office; DHS.

ACTION: Notice of Privacy Act system of records.

SUMMARY: In accordance with the Privacy Act of 1974 and as part of the Department of Homeland Security's ongoing effort to review and update legacy system of records notices, the Department of Homeland Security is giving notice that it proposes to update and reissue the following legacy record system DOT/CG 637 Appointment of Trustee or Guardian for Mentally Incompetent Personnel (April 11, 2000) as a Department of Homeland Security system of records notice titled, DHS/USCG—021 Appointment of Trustee or Guardian for Mentally Incompetent Personnel. Categories of individuals, categories of records, and the routine uses of this legacy system of records notice have been reviewed and updated to better reflect the Department of Homeland Security, United States Coast Guard's Appointment of Trustee or Guardian for Mentally Incompetent Personnel record system. This new system will be included in the Department of Homeland Security's inventory of record systems.

DATES: Written comments must be submitted on or before January 20, 2009.

ADDRESSES: You may submit comments, identified by docket number DHS-2008-0141 by one of the following methods:

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 1-866-466-5370.

- *Mail:* Hugo Teufel III, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

- *Instructions:* All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change and may be read at <http://www.regulations.gov>, including any personal information provided.

- *Docket:* For access to the docket, to read background documents, or comments received, go to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For general questions please contact: David Roberts (202-475-3521), Privacy Officer, United States Coast Guard. For privacy issues please contact: Hugo Teufel III (703-235-0780), Chief Privacy Officer, Privacy Office, U.S. Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to the savings clause in the Homeland Security Act of 2002, Public Law 107-296, Section 1512, 116 Stat. 2310 (Nov. 25, 2002), the Department of

Homeland Security (DHS) and its components and offices have relied on preexisting Privacy Act systems of records notices for the maintenance of records that concern the appointment of a trustee or guardian for mentally incompetent United States Coast Guard (USCG) personnel and for their dependents who are eligible for annuities.

As part of its efforts to streamline and consolidate its record systems, DHS is updating and reissuing a USCG system of records under the Privacy Act (5 U.S.C. 552a) that deals with the appointment of a trustee or guardian for mentally incompetent USCG personnel and for their dependents who are eligible for annuities. This record system will allow DHS/USCG to collect and preserve the records regarding the appointment of a trustee or guardian for mentally incompetent USCG personnel. The collection and maintenance of this information will assist DHS/USCG in meeting its obligation to maintain information on incompetent USCG military personnel, their dependents and survivors for the purpose of determining eligibility for DHS/USCG benefits such as military retired pay or the Survivor Benefit Plan for dependents, and the closely-related Veterans Affairs benefits.

In accordance with the Privacy Act of 1974 and as part of the Department of Homeland Security's ongoing effort to review and update legacy system of records notices, the Department of Homeland Security is giving notice that it proposes to update and reissue the following legacy record system DOT/CG 637 Appointment of Trustee or Guardian for Mentally Incompetent Personnel (65 FR 19476 4/11/2000) as a Department of Homeland Security/United States Coast Guard system of records notice titled, Appointment of Trustee or Guardian for Mentally Incompetent Personnel. Categories of individuals and categories of records have been reviewed, and the routine uses of this legacy system of records notice have been updated to better reflect the Department of Homeland Security and the United States Coast Guard's Appointment of Trustee or Guardian for Mentally Incompetent Personnel record system. This new system will be included in the Department of Homeland Security's inventory of record systems.

II. Privacy Act

The Privacy Act embodies fair information principles in a statutory framework governing the means by which the United States Government collects, maintains, uses and