

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate Federal, State, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To prospective or approved guardian trustees or appointees, including but not limited to relatives, lawyers, and physicians or other designated representatives;

I. To the Department of Veteran's Affairs upon request for the determination of eligibility for benefits administered by that agency.

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 may be retrieved alphabetically by name.

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 the 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. The system maintains a real-time auditing function of individuals who access the system. Additional safeguards may vary by component and program.

RETENTION AND DISPOSAL:

Records are retained for five years after action is complete, then destroyed. (AUTH: NC1-26-76-2, Item 577)

SYSTEM MANAGER AND ADDRESS:

Director, Personnel Management Directorate, CG-12, United States Coast Guard Headquarters, 1900 Half St., SW., Washington, DC 20593-0001.

NOTIFICATION PROCEDURE:

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 USCG, Commandant (CG-611), 2100 2nd St., SW., Attn: FOIA Coordinator, Washington, DC 20593-0001.

When seeking records about yourself or on behalf of a mentally incompetent person for whom you have been appointed trustee or guardian from this system of records or any other USCG 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 to you under 28 U.S.C. 1746, a law that permits statements to be made under penalty or 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 the Department would have information on you or an incompetent person for whom you have been appointed trustee or guardian,
- Specify when you believe the records would have been created,
- If your request is seeking records pertaining to another living individual for you to access his/her records, you must include a statement from that individual certifying his/her agreement or documentation that confirms your authority to act on behalf of that individual.

Without this bulleted information the USCG will not be able to conduct an effective search, and your request may

be denied due to lack of specificity, lack of compliance with applicable regulations, or insufficient authority to act on behalf of an incompetent individual.

RECORD ACCESS PROCEDURES:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

Coast Guard officials, legal representatives of individuals and/or individuals concerned, medical personnel, and complainants.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: December 10, 2008.

Hugo Teufel III,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. E8-29844 Filed 12-18-08; 8:45 am]

BILLING CODE 4410-10-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS-2008-0146]

Privacy Act of 1974; United States Coast Guard—027 Recruiting 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 the following legacy record systems DOT/CG 627 Enlisted Recruiting Selection Record System and DOT/CG 628 Officer, Enlisted, and Recruiter Selection System File. These legacy records systems will be consolidated into a new Department of Homeland Security system of records notice titled Department of Homeland Security/ United States Coast Guard—027 Recruiting Files. Categories of individuals, categories of records, and the routine uses of these legacy system of records notices have been updated to better reflect the Department of Homeland Security and the United States Coast Guard's recruiting record system. Additionally, the exemptions for this legacy system of records notice transfer from the SORN's legacy agency

to the Department of Homeland Security. 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. This new system will be effective January 20, 2009.

ADDRESSES: You may submit comments, identified by docket number DHS-2008-0146 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 (November 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 recruiting files.

As part of its efforts to streamline and consolidate its record systems, DHS is issuing a USCG consolidated system of records under the Privacy Act (5 U.S.C. 552a) that deals with USCG recruiting files. This record system will allow DHS/USCG to collect and preserve the records regarding the recruiting program. The collection and maintenance of this information will assist DHS/USCG in meeting its obligation to administer the USCG's recruiting program.

In accordance with the Privacy Act of 1974 and as part of DHS'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 the following legacy record systems DOT/CG 627 Enlisted Recruiting Selection Record System (65 FR 19475 April 11, 2000) and DOT/CG 628 Officer, Enlisted, and Recruiter Selection System File (65 FR 19475 April 11, 2000). These legacy records systems will be consolidated into a new DHS/USCG system of records notice titled DHS/USCG-027 Recruiting Files. Categories of individuals, categories of records, and the routine uses of these legacy system of records notices have been updated to better reflect the DHS and the USCG's recruiting 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 disseminates individuals' records. The Privacy Act applies to information that is maintained in a "system of records." A "system of records" is a group of any records under the control of an agency for which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass United States citizens and lawful permanent residents. As a matter of policy, DHS extends administrative Privacy Act protections to all individuals where systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors. Individuals may request access to their own records that are maintained in a system of records in the possession or under the control of DHS by complying with DHS Privacy Act regulations, 6 CFR Part 5.

The Privacy Act requires each agency to publish in the **Federal Register** a description denoting the type and character of each system of records that the agency maintains, and the routine uses that are contained in each system in order to make agency recordkeeping practices transparent, to notify individuals regarding the uses to which their records are put, and to assist individuals to more easily find such files within the agency. Below is the description of the Recruiting Files System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this new system of records to the Office of Management and Budget and to Congress.

System of Records:

DHS/USCG-027.

SYSTEM NAME:

United States Coast Guard Recruiting Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained at the United States Coast Guard Recruiting Command, Arlington, Virginia, United States Coast Guard Operations Systems Center, Kearneysville, West Virginia, USCG Headquarters in Washington, DC, and field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by this system include records and correspondence pertaining to prospective applicants, applicants for regular and reserve enlisted and officer programs, and any other individuals who have initiated correspondence pertaining to enlistment in the United States Coast Guard. This system also covers civilian and military personnel who have taken the following tests: Armed Services Vocational Aptitude Battery; United States Navy Officer Qualification Test; QQT; United States Navy and United States Marine Corps Aviation Selection Test, AST; United States Navy Basic Test Battery (BTB), BTB (retests); the Cooperative Tests for Advanced Electronic Training (AET TESTS); the 16 Personality Fact Test used for screening of enlisted personnel for recruiting duty; and Professional Examination for Merchant Mariners.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in this system include:

- Individual's name;
- Date of birth;
- Social security number;
- Program of interest;
- Citizenship;
- Marital state;
- Race;
- Ethnicity;
- Gender;
- Personal history;
- E-mail and phone contact information;
- Education;
- Test scores, college majors, grades and transcripts;
- Professional qualifications;

- Adverse or disqualifying information, such as criminal record, medical data, and credit history;
- Mental aptitude;
- Medical documentation;
- Medical waivers;
- Physical qualifications;
- Character and interview appraisals;
- National Agency Checks and certifications;
- Service performance;
- Advertising responses;
- Applicant initiated inquiries;
- Congressional or special interests;
- Marketing data collected through the USCG recruiting Web site and telephone queries made by prospects; and
- Credit report results (per Homeland Security Presidential Directive-12)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 504, 1475-1480; 14 U.S.C. 350-373, 632; 46 U.S.C. 7306, 7313, 7316.

PURPOSE(S):

The purpose of this system is to document recruiting efforts and maintain recruiting files for the United States Coast Guard and United States Coast Guard Reserves. This system also provides test results if an applicant (military or civilian) applies for an officer program, or is already in the military and is recruited to a training program.

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

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records of information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

- A. To the Department of Justice or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when:
 1. DHS or any component thereof;
 2. Any employee of DHS in his/her official capacity;
 3. Any employee of DHS in his/her individual capacity where DOJ or DHS has agreed to represent the employee; or
 4. The United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and DHS determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which DHS collected the records.
- B. To a congressional office from the record of an individual in response to

an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration or other Federal government agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;

2. The Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) or harm to the individual that rely upon the compromised information; and

3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate Federal, State, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To officials and employees of the Veterans Administrative and Selective Service System in the performance of

their official duties related to enlistment and reenlistment eligibility and related benefits.

I. 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 is necessary to demonstrate the accountability of DHS'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 may be retrieved alphabetically by name and social security number.

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 the 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. The system maintains a real-time auditing function of individuals who access the system. Additional safeguards may vary by component and program.

RETENTION AND DISPOSAL:

Recruiting records, including credit reports, are maintained for two years after the completion of the fiscal year. Test answer sheets are not maintained under the control of USCG; USCG maintains only the scores which are destroyed two years after the completion of the fiscal year. Accession

packages, which are the completed assessment for all potential Coast Guard personnel, are destroyed four years after the packages have been submitted to USCG Command for consideration. (AUTH: NC1-26-76-2, Item 587).

SYSTEM MANAGER AND ADDRESS:

Commander, United States Coast Guard Personnel Command, 2100 2nd Street, SW., Washington, DC 20539-0001.

NOTIFICATION PROCEDURE:

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 USCG, Commandant (CG-611), 2100 2nd St., SW., Attn: FOIA Coordinator, Washington, DC 20593-0001.

When seeking records about yourself from this system of records or any other USCG 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 the Department would have information on you,
- Specify when you believe the records would have been created, and
- If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without this bulleted information the USCG will 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:

USCG recruiting personnel and administrative staff, Medical personnel or private physicians providing consultations or patient history.

Character and employee references. Educational institutions, staff and faculty members. Selective Service System. Local, State, and Federal law enforcement agencies. Prior or current military service records. Members of Congress. Other officials and employees of the Coast Guard, Department of Defense and components thereof, in the performance of their duties and as specified by current instructions and regulations promulgated by competent authority. Recruiting officials and individuals being recruited or who have been recruited by the United States Coast Guard, United States Marine Corps, United States Navy, and the United States Navy Bureau of Medicine.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: December 10, 2008.

Hugo Teufel III,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. E8-29845 Filed 12-18-08; 8:45 am]

BILLING CODE 4410-10-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS-2008-0156]

Privacy Act of 1974; U.S. Customs and Border Protection-014 Regulatory Audit Archive System (RAAS) 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 record notices, the Department of Homeland Security/U.S. Customs and Border Protection proposes to update and reissue the following legacy record system, Treasury/CS.206 Regulatory Audits of Customhouse Brokers, October 18, 2001, as a U.S. Customs and Border Protection system of records notice titled, U.S. Customs and Border Protection Regulatory Audits of Customs Brokers. 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/U.S. Customs and Border Protection Regulatory Audit Archive System (RAAS). Additionally, the Department of Homeland Security is issuing a notice of proposed rulemaking

concurrent with this system of records notice in the **Federal Register**. The exemptions for the legacy system of records notices will continue to be applicable until the final rule for this system of records notice is completed. This reissued 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-2008-0156 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 to <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:

Laurence E. Castelli (202-325-0280), Chief, Privacy Act Policy and Procedures Branch, U.S. Customs and Border Protection, Office of International Trade, Regulations & Rulings, Mint Annex, 1300 Pennsylvania Ave., NW., Washington, DC 20229. For privacy issues 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 (November 25, 2002), the Department of Homeland Security (DHS)/U.S. Customs and Border Protection (CBP) have relied on preexisting Privacy Act system of records notices for the collection and maintenance of records that concern records on regulatory audits of customs brokers.

As part of its efforts to streamline and consolidate its record systems, DHS is updating and reissuing a DHS/CBP system of records under the Privacy Act (5 U.S.C. 552a) that deals with