

computer data are disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes, burning or shredding paper materials or transferring records to the Federal Records Center when no longer needed for evaluation and analysis. Electronic records, if any, are maintained according to the provisions of the records control schedule for NIOSH electronic records, which is consistent with the records maintenance requirements for other forms of records. Copies of notifications to workers/private physicians of needed medical attention and/or medical treatment are destroyed when no longer needed for administrative purposes, but may be retained for as long as seventy (70) years. Paper records are destroyed by paper recycling process when 20 years old, unless needed for further study.

#### VI. OMB Control Numbers, Expiration Dates, and Titles of Information Collection

A. *Full Title*: "Medical and Laboratory Studies, HHS/CDC/NIOSH."  
*OMB Control Number*: 09–20–0154.  
*Expiration Date*: TBD.

#### VII. Supporting Documentation

A. Preamble and Proposed Notice of System for publication in the **Federal Register**.

B. *Agency Rules*: None.

C. *Exemption Requested*: None.

D. *Computer Matching Report*: The new system does not require a matching report in accordance with the computer matching provisions of the Privacy Act.

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Privacy Act of 1974; Report of Modified or Altered System of Records

**AGENCY**: National Personal Protective Technology Laboratory (NPPTL), National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (DHHS).

**ACTION**: Notification of Proposed Altered System of Records.

**SUMMARY**: The Department of Health and Human Services proposes to alter System of Records, 09–20–0159,

"Records of Subject in Certification, Testing, Studies of Personal Protective Devices, and Accident Investigations, HHS/CDC/NIOSH." HHS is proposing to add the following Breach Response Routine Use Language to comply with the Office of Management and Budget (OMB) Memoranda (M) 07–16, Safeguarding Against and responding to the Breach of Personally Identifiable Information:

To appropriate Federal agencies and Department contractors that have a need to know the information for the purpose of assisting the Department's efforts to respond to a suspected or confirmed breach of the security or confidentiality of information disclosed is relevant and necessary for that assistance.

These records will be maintained by the National Institute for Occupational Safety and Health (NIOSH), National Personal Protective Technology Laboratory (NPPTL).

**DATES**: Comments must be received on or before February 24, 2011. The proposed altered System of Records will be effective 40 days from the date submitted to the OMB, unless NIOSH receives comments that would result in a contrary determination.

**ADDRESSES**: You may submit comments, identified by the Privacy Act System of Record Number 09–20–0159:

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

- *E-mail*: Include PA SOR number 09–20–0159 in the subject line of the message.

- *Phone*: 770/488–8660 (not a toll-free number).

- *Fax*: 770/488–8659.

- *Mail*: HHS/CDC Senior Official for Privacy (SOP), Office of the Chief Information Security Officer (OCISO), 4770 Buford Highway—M/S: F–35, Chamblee, GA 30341.

- *Hand Delivery/Courier*: HHS/CDC Senior Official for Privacy (SOP), Office of the Chief Information Security Officer (OCISO), 4770 Buford Highway—M/S: F–35, Chamblee, GA 30341.

- Comments received will be available for inspection and copying at this same address from 9 a.m. to 3 p.m., Monday through Friday, Federal holidays excepted.

**SUPPLEMENTARY INFORMATION**: NIOSH proposes to alter System of Records, No. 09–20–0159, "Records of Subject in Certification, Testing, Studies of Personal Protective Devices, and Accident Investigations, HHS/CDC/NIOSH." The purpose of this system is to permit acquisition of information related to certification and performance of personal protective equipment, and safety research studies.

This System of Record Notice is being altered to add the Breach Response Routine Use Language to comply with the Office of Management and Budget (OMB) memorandum dated May 22, 2007.

The following notice is written in the present tense, rather than the future tense, in order to avoid the unnecessary expenditure of public funds to republish the notice after the System has become effective.

Dated: December 11, 2009.

**James D. Seligman,**

*Chief Information Officer, Centers for Disease Control and Prevention.*

**Editorial Note**: This document was received at the Office of the Federal Register on December 27, 2010.

### Department of Health and Human Services (HHS)

*Centers for Disease Control and Prevention (CDC)*

National Institute for Occupational Safety and Health (NIOSH)

#### Records of Subject in Certification, Testing, Studies of Personal Protective Devices, and Accident Investigations

*Report of Modified or Altered System of Records*

#### Narrative Statement

##### I. Background and Purpose of the System

###### A. Background

The Department of Health and Human Services proposes to alter System of Records, No. 09–20–0159 "Records of Subject in Certification, Testing, Studies of Personal Protective Devices, and Accident Investigations, HHS/CDC/NIOSH." HHS is proposing to add the following Breach Response Routine Use Language to comply with the Office of Management and Budget (OMB) Memoranda (M) 07–16, Safeguarding Against and responding to the Breach of Personally Identifiable Information:

To appropriate Federal agencies and Department contractors that have a need to know the information for the purpose of assisting the Department's efforts to respond to a suspected or confirmed breach of the security or confidentiality of information disclosed is relevant and necessary for that assistance.

###### B. Purpose

The purpose of this system is to permit acquisition of information related to certification and performance of personal protective equipment, and safety research studies.

## II. Authority for Maintenance of the System

Public Health Service Act, Section 301, "Research and Investigation" (42 U.S.C. 241); Occupational Safety and Health Act, Section 20, "Research and Related Activities" (29 U.S.C. 669); and the Federal Mine Safety and Health Act of 1977, Section 501, "Research" (30 U.S.C. 951)

## III. Proposed Routine Use Disclosures of Data in the System

The Privacy Act allows us to disclose information without an individual's consent if the information is to be used for a purpose that is compatible with the purpose(s) for which the information was collected. Any such compatible use of data is known as a "routine use". The routine uses proposed for this System are compatible with the stated purpose of the System:

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

In the event of litigation where the defendant is: (a) The Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Department of Justice has agreed to represent such employee, for example, in defending a claim against the Public Health Service based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, disclosure may be made to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

Portions of records (name, Social Security number if known, date of birth, and last known address) may be disclosed to one or more sources selected from those listed in Appendix 1. This may be done to determine if the individual has died so that a death certificate can be obtained. Knowing the cause of death enables NIOSH to evaluate whether excess occupationally-related mortality is occurring.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems

desirable or necessary to the Department of Justice and to the Department of Labor, Office of the Solicitor, where appropriate, to enable the Departments to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigation proceedings that NIOSH is authorized to request are: (1) Enforcement of a subpoena issued to an employer to provide relevant information; and (2) administrative search warrants to obtain access to places of employment and relevant information therein and related contempt citations against an employer for failure to comply with a warrant obtained by the Institute.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return data entry records after the contracted work is completed. The contractors are required to maintain Privacy Act safeguards.

Disclosure may be made to NIOSH collaborating researchers (e.g., NIOSH contractors, grantees, cooperative agreement holders, or other Federal or State scientists) in order to accomplish the research purpose for which the records are collected. The collaborating researchers must agree in writing to comply with the confidentiality provisions of the Privacy Act and NIOSH must have determined that the researchers' data security procedures will protect confidentiality.

Records may be disclosed to appropriate Federal agencies and Department contractors that have a need to know the information for the purpose of assisting the Department's efforts to respond to a suspected or confirmed breach of the security or confidentiality of information disclosed is relevant and necessary for that assistance.

## IV. Effects of the Proposed System of Records on Individual Rights

The routine uses proposed for this System are compatible with the stated purpose of the System:

An individual may learn if a record exists about himself or herself by contacting the system manager at the above address. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either: (1) Submit a notarized request to verify their identity; or (2) certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense

under the Privacy Act subject to a \$5,000 fine.

An individual who requests notification of or access to medical records shall, at the time the request is made, designate in writing a responsible representative who is willing to review the record and inform the subject individual of its contents at the representative's discretion. A subject individual will be granted direct access to a medical record if the system manager determines direct access is not likely to have adverse effect on the subject individual.

The following information must be provided when requesting notification: (1) Full name; (2) the approximate date and place of the study, if known; and (3) nature of the questionnaire or study in which the requester participated.

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An accounting of disclosures that have been made of the record, if any, may be requested.

## V. Safeguards

The records in this System are stored in manual files, computer cards, tapes/disks and printouts, microfilm, index audiogram files, audiograms, and questionnaire forms. The records in this System are retrieved by name, assigned number, plant name, and year tested are some of the indices used to retrieve records from these systems. Other retrieval methods are utilized as individual research dictates.

The records in this System have the following safeguards in place to maintain and protect the information as it relates to Authorized users, physical and procedural safeguards:

*Authorized Users*—Access is granted to only a limited number of physicians, scientists, statisticians, and designated support staff of the Centers for Disease Control and Prevention (CDC), as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

*Physical Safeguards*—Locked cabinets in locked rooms, electronic anti-intrusion devices in operation at the Federal Records Center, security guard service in buildings, personnel screening of visitors.

*Procedural Safeguards*—The NIOSH Local Area Network (LAN) uses security packages to control unauthorized access to the system. Attempts to gain access by unauthorized individuals are automatically recorded and reviewed on a daily basis. Protection for computerized records both on the mainframe and the NIOSH LAN include

programmed verification of valid user identification code and password prior to logging on to the system, mandatory password changes, limited log-ins, virus protection, and user rights/file attribute restrictions. Password protection imposes user name and password log-in requirements to prevent unauthorized access. Each user name is assigned limited access rights to files and directories at varying levels to control file sharing. There are routine daily backup procedures and secure off-site storage is available for backup tapes. Additional safeguards may be built into the program by the system analyst as warranted by the sensitivity of the data.

**Implementation Guidelines:** The safeguards outlined above are in accordance with HHS Information Security Program Policy and FIPS Pub 200, "Minimum Security Requirements for Federal Information and Information Systems." Data maintained on CDC's Mainframe and the NIOSH LAN are in compliance with OMB Circular A-130, Appendix III. Security is provided for information collection, processing, transmission, storage, and dissemination in general support systems and major applications.

The records in this System are retained and disposed of in the following way: Records are retained and disposed of according to the provisions of the CDC Records Control Schedule for NIOSH records. Records are maintained in agency while the approval and certification is active, at a minimum for three years. Personal identifiers are stripped from records when no longer needed. Disposal methods include burning or shredding paper materials or transferring records to the Federal Records Center when no longer needed for evaluation and analysis. Records destroyed by paper recycling process when 20 years old, unless needed for further study.

#### VI. OMB Control Numbers, Expiration Dates, and Titles of Information Collection

A. **Full Title:** "Records of Subjects in Certification, Testing, Studies of Personal protective Devices, and Accident Investigations, HHS/CDC/NIOSH."

**OMB Control Number:** 09-20-0159.

**Expiration Date:** TBD.

#### VII. Supporting Documentation

A. Preamble and Proposed Notice of System for publication in the **Federal Register**.

B. **Agency Rules:** None.

C. **Exemption Requested:** None.

D. **Computer Matching Report:** The new system does not require a matching

report in accordance with the computer matching provisions of the Privacy Act.

#### Appendix I—Potential Sources for Determination of Health Status, Vital Status and/or Last Known Address

Military records  
 Appropriate State Motor Vehicle Registration Departments  
 Appropriate State Driver's License Departments  
 Appropriate State Government Division of: Assistance Payments (Welfare), Social Services, Medical Services, Food Stamp Program, Child Support, Board of Corrections, Aging, Indian Affairs, Worker's Compensation, Disability Insurance  
 Retail Credit Association follow-up  
 Veterans Administration files  
 Appropriate employee union or association records  
 Appropriate company pension or employment records  
 Company group insurance records  
 Appropriate State Vital Statistics Offices  
 Life insurance companies  
 Railroad Retirement Board  
 Area nursing homes  
 Area Indian Trading Posts  
 Mailing List Correction Cards (U.S. Postal Service)  
 Letters and telephone conversations with former employees of the same establishment as cohort member  
 Appropriate local newspaper (obituaries)  
 Social Security Administration  
 Internal Revenue Service  
 National Death Index  
 Centers for Medicare & Medicaid Services  
 Pension Benefit Guarantee Corporation  
 State Disease Registries  
 Commercial Telephone Directories

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**BILLING CODE 4163-18-P**

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Centers for Disease Control and Prevention

#### Privacy Act of 1974; Report of Modified or Altered System of Records

**AGENCY:** Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (DHHS).

**ACTION:** Notification of Proposed Altered System of Records.

**SUMMARY:** The Department of Health and Human Services proposes to alter System of Records, 09-20-0160, "Records of Subjects in Health Promotion and Education Studies, HHS/CDC/NCCDPHP." HHS is proposing adding the following Breach Response

Routine Use Language to comply with the Office of Management and Budget (OMB) Memoranda (M) 07-16, Safeguarding Against and Responding to the Breach of Personally Identifiable Information:

"To appropriate federal agencies and Department contractors that have a need to know the information for the purpose of assisting the Department's efforts to respond to a suspected or confirmed breach of the security or confidentiality of information disclosed is relevant and necessary for that assistance."

These records will be maintained by the National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Coordinating Center for Health Promotion

**DATES:** Comments must be received on or before February 24, 2011. The proposed altered System of Records will be effective 40 days from the date submitted to the OMB, unless NCCDPHP receives comments that would result in a contrary determination.

**ADDRESSES:** You may submit comments, identified by the Privacy Act System of Record Number 09-20-0160:

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

- **E-mail:** Include PA SOR number 09-20-0160 in the subject line of the message.

- **Phone:** 770/488-8660 (not a toll-free number).

- **Fax:** 770/488-8659.

- **Mail:** HHS/CDC Senior Official for Privacy (SOP), Office of the Chief Information Security Officer (OCISO), 4770 Buford Highway—M/S: F-35, Chamblee, GA 30341.

- **Hand Delivery/Courier:** HHS/CDC Senior Official for Privacy (SOP), Office of the Chief Information Security Officer (OCISO), 4770 Buford Highway—M/S: F-35, Chamblee, GA 30341.

- Comments received will be available for inspection and copying at this same address from 9 a.m. to 3 p.m., Monday through Friday, Federal holidays excepted.

**SUPPLEMENTARY INFORMATION:** NCCDPHP proposes to alter System of Records, No. 09-20-0160, "Records of Subjects in Health Promotion and Education Studies, HHS/CDC/NCCDPHP." This record system enables the Centers for Disease Control and Prevention (CDC) officials to develop and evaluate existing health promotion programs for disease prevention and control, and to communicate new knowledge to the health community for the implementation of such programs.