

personnel's pay and personnel record, or Chief, Administrative Services Division for individuals whose records are handled by USCG Headquarters 2100 2nd Street, SW., Washington, DC 20593-0001.

For active and reserve service applicants and prospective applicants: Commanding Officer, USCG Recruiting Command, STOP 7500, 2300 Wilson Blvd. Suite 500, Arlington, VA 20598-7500.

For retired active USCG military personnel and their annuitants and dependents: Commanding Officer, USCG, Personnel Services Center, 444 SE., Quincy Street, Topeka, KS 66683-3591.

For USCG auxiliary members: Director of Auxiliary, USCG, 2100 2ND ST, SW., STOP 7581, Washington, DC 20593-7581.

For USCG exchange workers: Commandant (G-WPX), USCG Exchange System, CGES & MWR Headquarters, 870 Greenbrier Circle, Greenbrier Tower II, Suite 502, Chesapeake, VA 23320-2681.

For contractor personnel: Commandant (USCG-9), USCG Headquarters, 1900 Half Street, SW., Washington, DC 20593.

For NOAA members: National Oceanic and Atmospheric Administration, Commissioned Personnel Division, 11400 Rockville Pike, Rockville, MD 20852.

For Officers of the Commissioned Corps: U.S. Public Health Service Office of Commissioned Corps Operations, 1100 Wootton Parkway, Suite 100, Rockville, MD 20852.

#### 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: For active duty military personnel of the USCG: Chief, Office of Personnel, USCG Headquarters, 2100 2nd Street, SW., Washington, DC 20593-0001. For USCG reserve military personnel and retired USCG reserve military personnel awaiting pay at age 60: Chief, Office of Reserve Affairs, USCG Headquarters, 2100 2nd Street, SW., Washington, DC 20593-0001. For USCG waivers and remissions: Chief, Personnel Services Division, Office of Military Personnel, USCG Headquarters, 2100 2nd Street, SW., Washington, DC 20593-0001. For records used to determine legal sufficiency for garnishment of wages and pay records: Commanding Officer, USCG, Personnel Services Center, 444 SE., Quincy Street, Topeka, KS 66683-3591. For data added to the

decentralized data segment the commanding officer, officer-in-charge of the unit handling the individual's pay and personnel record, or Chief, Administrative Services Division for individuals whose records are handled by USCG Headquarters, 2100 2nd Street, SW., Washington, DC 20593-0001.

For NOAA members: National Oceanic and Atmospheric Administration, Commissioned Personnel Division, 11400 Rockville Pike, Rockville, MD 20852.

For Officers of the Commissioned Corps: U.S. Public Health Service, Office of Commissioned Corps Operations, 1100 Wootton Parkway, Suite 100, Rockville, MD 20852. If an individual believes more than one component maintains Privacy Act records, the individual may submit the request to the Chief Privacy Officer and Chief Freedom of Information Act Officer, Department of Homeland Security, 245 Murray Drive, SW., Building 410, STOP-0655, Washington, DC 20528.

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 Chief Privacy Officer and Chief Freedom of Information Act Officer, <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;
- Identify which component(s) of the Department you believe may have the information about you;
- Specify when you believe the records would have been created;
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records; 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 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:

Individuals, USCG personnel officials, NOAA personnel officials, DoD, PHS personnel officials, previous employers, educational institutions, court records, and test results.

#### EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: September 22, 2011.

**Mary Ellen Callahan,**  
*Chief Privacy Officer, Department of Homeland Security.*

[FR Doc. 2011-27881 Filed 10-27-11; 8:45 am]

BILLING CODE 9110-04-P

## DEPARTMENT OF HOMELAND SECURITY

### Office of the Secretary

[Docket No. DHS-2011-0082]

### Privacy Act of 1974; Department of Homeland Security/United States Secret Service—003 Non-Criminal Investigation Information 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 biennial review of system of record notices, the Department of Homeland Security proposes to update and reissue a current Department of Homeland Security system of records titled, "Department of Homeland Security/United States Secret Service—003 Non-Criminal Investigation Information System." As a result of biennial review of this system, records have been updated within the categories of individuals covered in this system and categories of records in this system in order to further define and narrow categories. One routine use was revised to further define the purposes of disclosure, and retention and disposal procedures were updated to reflect current retention practices. The notification procedures were updated to clarify the reason for exemption and the method for access. Additionally, the Department of Homeland Security previously published a Final Rule in the

**Federal Register** to exempt this system of records from certain provisions of the Privacy Act. The current updates to this system of records do not impact the nature of the exemptions claimed; the exemptions continue to apply to this updated system. This updated system will be included in the Department of Homeland Security's inventory of record systems.

**DATES:** Written comments must be submitted on or before November 28, 2011.

**ADDRESSES:** You may submit comments, identified by docket number DHS-2011-0082, 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:* Mary Ellen Callahan, 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: Latita Payne ((202) 406-6370), Privacy Officer, United States Secret Service, 245 Murray Lane SW., Building T-5, Washington, DC 20223. For privacy issues please contact: Mary Ellen Callahan ((703) 235-0780), Chief Privacy Officer, Privacy Office, U.S. Department of Homeland Security, Washington, DC 20528.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a and as part the Department of Homeland Security's (DHS) biennial review of system of record notices, DHS/United States Secret Service (USSS) proposes to update and reissue a current DHS system of records titled, DHS/USSS-003 Non-Criminal Investigation Information System of Records. As a result of biennial review of this system, records have been updated within the categories of individuals covered in this system and categories of records in this system in order to further define, narrow, and eliminate duplicative categories. Routine Use H was revised to further define the purposes of disclosure, and

retention and disposal procedures were updated to reflect current retention practices. The notification procedures were updated to clarify the reason for exemption and the method for access. This updated system will be included in DHS'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 that each agency publish in the **Federal Register** a description denoting the type and character of each system of records in order to make agency recordkeeping practices transparent, to notify individuals about the use of their records, and to assist the individual to more easily find files within the agency. Below is a description on the DHS/USSS-003 Non-Criminal Investigation Information System of Records.

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

##### **System of Records**

Department of Homeland Security (DHS)/United States Secret Service (USSS)-003

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

DHS/USSS-003 Non-Criminal Investigation Information System

##### **SECURITY CLASSIFICATION:**

Unclassified and Classified.

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

Records are maintained at the United States Secret Service Headquarters, 950 H St. NW., Washington, DC 20223 and field offices.

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

- Individuals who are applicants for employment or are currently employed with the USSS or other federal or state entities and have taken a polygraph; and
- Qualified USSS law enforcement officers and qualified USSS retired law enforcement officers who carry concealed firearms.

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

- Individual's name;
- Social Security number;
- Address;
- Date of birth;
- Case number;
- Polygraph examination reports and files;
  - Records containing investigatory material compiled solely for the purpose of determining suitability, eligibility, and/or qualifications for federal civilian employment or access to classified information; and
  - Any group of records which have been created by the Law Enforcement Officer Safety Act of 2004, Public Law 108-277, 1, codified at 18 U.S.C. 926 B and C, as amended.

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

The Homeland Security Act of 2002, Public Law 107-296; 5 U.S.C. 301; Federal Records Act, 44 U.S.C. 3101; 18 U.S.C. 3056; 18 U.S.C. 3056A; 42 U.S.C. 13031; Executive Order 10450; and 6 CFR part 5.

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

The purpose of this system is to record and maintain files related to applicants for employment or current employees of the USSS or other federal or state entities who have taken a polygraph; and current and retired USSS employees who are qualified to carry a concealed weapon.

##### **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 or information contained in this system may be disclosed outside the Department of Homeland Security (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 it is necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

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. DHS 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 who relies 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 Federal, State, or local government agencies for the purpose of developing a relevant ongoing civil, administrative, or background investigation.

I. To private institutions and individuals for the purpose of confirming and/or determining suitability, eligibility, or qualification for federal civilian employment or access to classified information, and for the purposes of furthering the efforts of the USSS to investigate the activities of individuals related to or involved in non-criminal civil and administrative investigations.

J. To another federal agency or to an instrumentality of any government jurisdiction within or under the control of the United States for the purpose of determining suitability, eligibility, or qualifications for employment with or access to classified information in such other agency instrumentality.

K. To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena from a court of competent jurisdiction.

L. To an appropriate federal, state, local, tribal, foreign, or international agency, if the information is relevant and necessary to a requesting agency's decision concerning the hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit, or if the information is relevant and necessary to a DHS decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a license, grant or other benefit when disclosure is appropriate to the proper performance of the official duties of the person making the request.

M. To state and local school boards, private and public schools, daycare

facilities, children's camps, and childcare transportation providers, if information concerns one of their employees, or applicants for employment, when such an individual has admitted to the USSS that they viewed, have taken an interest in, or have engaged in prior activity regarding child pornography, the touching of a child for sexual gratification, or child abuse.

N. 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:**

Paper and electronic records in this system are stored in secure facilities and/or behind locked doors. Electronic records media, such as magnetic tape, magnetic disk, digital media, and CD-ROM are stored in proper environmental controls.

**RETRIEVABILITY:**

Records are indexed by name on file at USSS Headquarters, and in field offices and are retrieved through a manual search of index cards and/or through computer search of magnetic media. Access to the physical files is by case number obtained from the name indices.

**SAFEGUARDS:**

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

**RETENTION AND DISPOSAL:**

Applicant security and background investigation records of retired or separated USSS employees are retained for 20 years after the date of last action. All judicial case records are retained for 30 years from the date of case closure, unless otherwise required to be held permanently for transfer to the National Archives and Records Administration. Non-judicial and non-criminal case files generally are retained for a period of between 5 years and 30 years from the date of case closure, depending upon the nature or subject of the investigation. All other records, the disposition of which is not otherwise specified, are retained until destruction is authorized.

**SYSTEM MANAGER AND ADDRESS:**

Assistant Director, Human Resources and Training and Assistant Director, Office of Investigation, U.S. Secret Service, 245 Murray Lane SW., Building T-5, Washington, DC 20223.

**NOTIFICATION PROCEDURE:**

The Secretary of Homeland Security has exempted this system from the notification, access, and amendment procedures of the Privacy Act because it is a law enforcement system. However, DHS/USSS will consider individual requests to determine whether or not information may be released. Thus, 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 the USSS FOIA Officer, 245 Murray Drive, SW., Building T-5, Washington, DC 20223. If an individual believes more than one component maintains Privacy Act records concerning him or her, the individual may submit the request to the Chief FOIA Officer, Department of Homeland Security, whose contact information can be found at <http://www.dhs.gov/foia>.

When seeking records about yourself from this system of records or any other USSS 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 USSS 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:**

Records are obtained from employees, former employees, and applicants for employment with the USSS; federal, state, and local governmental agencies; court systems; executive entities, both foreign and domestic; educational institutions; private businesses; and members of the general public.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

Pursuant to exemption 5 U.S.C. 552a(j)(2) of the Privacy Act and the limitations therein, this system is 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)(1), (k)(2), (k)(3), (k)(5), and (k)(6), 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). In addition, to the extent a record contains information from other exempt systems of records, USSS will rely on the exemptions claimed for those systems.

Dated: September 22, 2011.

**Mary Ellen Callahan,**

*Chief Privacy Officer, Department of Homeland Security.*

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**BILLING CODE 4810-42-P**

**DEPARTMENT OF HOMELAND SECURITY****Office of the Secretary**

[Docket No. DHS-2011-0083]

**Privacy Act of 1974; Department of Homeland Security/United States Secret Service—004 Protection Information 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 biennial review of system of record notices, DHS/United States Secret Service proposes to update and reissue a current Department of Homeland Security system of records titled, "Department of Homeland Security/United States Secret Service—004 Protection Information System of Records." As a result of biennial review of this system, information has been updated within the categories of individuals covered in this system and categories of records in this system in order to further define and narrow categories. Routine Use I and J were merged for the purpose of narrowing scope and clarifying why information would be shared. The notification procedures were updated to clarify the reason for exemption and the method for access. Additionally, the Department of Homeland Security previously published a Final Rule in the **Federal Register** to exempt this system of records from certain provisions of the Privacy Act. The current updates to this system of records do not impact the nature of the exemptions claimed; the exemptions continue to apply to this update. This updated system will be included in the Department of Homeland Security's inventory of record systems.

**DATES:** Written comments must be submitted on or before November 28, 2011.

**ADDRESSES:** You may submit comments, identified by docket number DHS-2011-0083, 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:* Mary Ellen Callahan, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

- *Instructions:* All submissions received must include the agency name