

4. Are there means to address privacy and security in the development of the card standard and implementation guidance?

- Can privacy enhancing technologies be built into the card?
- How can we limit non-federal uses of the card?
- What training do employees and contractors need to properly secure their cards?
- What training should card issuers have? Security personnel?
- What law and policies must agencies consider in planning for and implementing the new cards?

Dated: December 22, 2004.

**G. Martin Wagner,**

*Associate Administrator for Governmentwide Policy.*

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## **GENERAL SERVICES ADMINISTRATION**

### **Privacy Act of 1974; Proposed New Privacy Act System of Records**

**AGENCY:** General Services Administration

**ACTION:** Notice of proposed new Privacy Act system of records

**SUMMARY:** The General Services Administration (GSA) proposes to establish a new system of records titled "Internal Evaluation Case Files," (GSA/ADM-25). The system of records, to be maintained by GSA's Office of Inspector General (OIG), is being established to create a record keeping system containing evaluations and investigations of OIG personnel. The records in the system currently are a part of another OIG system of records, Investigation Case Files (GSA/ADM-24). The OIG has determined that a separate system would enhance the OIG's ability to conduct internal investigations.

**DATES:** The system of records will become effective without further notice on January 28, 2005 unless comments received on or before that date result in a contrary determination.

**ADDRESSES:** Comments should be submitted to the Office of Counsel to the Inspector General (JC), Office of Inspector General, General Services Administration, 1800 F Street NW, Washington DC 20405.

**FOR FURTHER INFORMATION CONTACT:** GSA Privacy Act Officer, General Services Administration, Office of the Chief People Officer, 1800 F Street NW, Washington DC 20405; telephone (202) 501-1452.

Dated: November 19, 2004

**June V. Huber,**

*Director, Office of Information Management/Office of the Chief People Officer*

### **GSA/ADM-25**

*System name:* Internal Evaluation Case Files.

*System location:* This system is located in the GSA Office of Inspector General, 1800 F Street, NW, Washington, DC 20405. The database for this system is on a local area network in the GS Building and is operated by the System Development and Support Division of the Office of Inspector General.

*Categories of individuals covered by the system:* Individuals covered by the system are employees and former employees of the GSA Office of Inspector General. The system also includes any person who was the source of a complaint or allegation; a witness who has information or evidence on any aspect of an investigation; and any possible or actual suspect in a civil, criminal, or administrative action.

*Categories of records in the system:* Investigative files containing information such as name, date and place of birth, experience, and investigative material that is used as a basis for taking civil, criminal, and administrative actions.

*Authority for maintenance of the system:* 5 U.S.C. App. 3., Section 2 *et seq.*

*Purpose:* The system serves as a basis for issuing subpoenas and taking civil, criminal, and administrative actions.

### **Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Records are used by GSA officials and representatives of other Government agencies on a need-to-know basis in the performance of their official duties under the authorities set forth above and for the following routine uses.

1. A record of any case in which there is an indication of a violation of law, whether civil, criminal, or regulatory in nature, may be disseminated to the appropriate Federal, State, local, or foreign agency charged with the responsibility for investigating or prosecuting such a violation or charged with enforcing or implementing the law.

2. A record may be disclosed to a Federal, State, local, or foreign agency or to an individual organization in the course of investigating a potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparing for a trial or hearing for such a violation, if there is reason to

believe that such agency, individual, or organization possesses information relating to the investigation, and disclosing the information is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant.

3. A record relating to a case or matter may be disclosed in an appropriate Federal, State, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice, even when the agency is not a party to the litigation.

4. A record relating to a case or matter may be disclosed to an actual or potential party or to his or her attorney for the purpose of negotiation or discussion on matters such as settlement of the case or matter, plea-bargaining, or informal discovery proceedings.

5. A record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement or that involves a case or matter within the jurisdiction of any agency may be disclosed to the agency to notify it of the status of the case or matter or of any decision or determination that has been made or to make such other inquiries and reports as are necessary during the processing of the case or matter.

6. A record relating to a case or matter may be disclosed to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States, or to an Executive agreement.

7. A record may be disclosed to a Federal, State, local, foreign, or international law enforcement agency to assist in crime prevention and detection or to provide leads for investigation.

8. A record may be disclosed to a Federal, State, local, foreign, tribal or other public authority in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuing of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter.

9. A record may be disclosed to the public, news media, trade associations, or organized groups when the purpose is educational or informational, such as describing crime trends or distinctive or unique modus operandi, provided that the record does not identify a specific individual.

10. A record may be disclosed to an appeal or grievance examiner, formal complaints examiner, equal opportunity

investigator, arbitrator, or other authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. This includes matters and investigations involving the Merit Systems Protection Board or the Office of Special Counsel. A record also may be disclosed to the United States Office of Personnel Management (OPM) in accordance with the agency's responsibility for evaluating Federal personnel management.

11. A record may be disclosed as a routine use to a Member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the person who is the subject of the record.

12. Information may be disclosed at any stage of the legislative coordination and clearance process to the Office of Management and Budget (OMB) for reviewing private relief legislation as set forth in OMB Circular No. A-19.

13. A record may be disclosed:

(a) to an expert, a consultant, or contractor of GSA engaged in a duty related to an agency function to the extent necessary to perform the function; and

(b) to a physician to conduct a fitness-for-duty examination of a GSA officer or employee.

14. A record may be disclosed to any official charged with the responsibility to conduct qualitative assessment reviews of internal safeguards and management procedures employed in investigative operations. This disclosure category includes members of the President's Council on Integrity and Efficiency and officials and administrative staff within their investigative chain of command, as well as authorized officials of the Department of Justice and the Federal Bureau of Investigation.

**Policies and practices for storing, retrieving, reviewing, retaining, and disposing of records in the system:**

*Storage:* Paper records are kept in files and file folders. Electronic records are stored on hard drive or CD-ROM.

*Retrievability:* Both paper records and electronic records are retrievable by name or assignment number.

*Safeguards:* Paper records are stored in locked rooms with access limited to authorized personnel. Computer based records are available only to authorized users with a need to know and are protected by a network logon password, user password, and restricted right of access to the software, system, file, data element, and report.

*Retention and disposal:* Records are disposed of by shredding or burning, as scheduled in GSA Handbook, GSA Maintenance and Disposition System (OAD P 1820.2A).

*System manager(s) and address:* The system of records manager is an employee of the Internal Evaluation Staff (JE) of the Office of Inspector General, General Services Administration, 1800 F St. NW, Washington DC 20405.

*Notification procedure:* An individual who wishes to be notified whether the system contains a record concerning him or her should address a request to the Office of Counsel to Inspector General (JC), General Services Administration, Room 5324, 1800 F St. NW, Washington DC 20405.

*Records access procedures:* An individual seeking access to a record should put his or her request in writing and address it to the Office of Counsel to the Inspector General (JC), including full name (maiden name if appropriate), address, and date and place of birth. General inquiries may be made by telephone: (202) 501-1932.

*Contesting record procedures:* GSA rules for contesting the content of a record or appealing a denial of a request to amend a record are in 41 CFR Part 105-64.

*Record source categories:* The sources are individuals themselves, employees, informants, law enforcement agencies, other Government agencies, employers, references, co-workers, neighbors, educational institutions, and intelligence sources.

**Systems exempted from certain provisions of the act:**

In accordance with 5 U.S.C. 552a(j), this system of records is exempt from all provisions of the Privacy Act of 1974 with the exception of subsections (b); (c)(1) and (2); (e)(4)(A) through (F); (e)(6), (7), (9), (10), and (11); and (i) of the Act, to the extent that information in the system pertains to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals; to the activities of prosecutors, courts, and correctional, probation, pardon, or parole authorities; and to (1) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (2) information compiled for the purpose of a criminal investigation, including reports of informants and investigators,

that is associated with an identifiable individual; or (3) reports of enforcement of the criminal laws, from arrest or indictment through release from supervision. This system is exempted to maintain the efficacy and integrity of the Office of Inspector General's law enforcement function.

In accordance with 5 U.S.C. 552a(k), this system of records is exempt from subsections (c)(3); (d); (e)(1); (e)(4) (G), (H), and (I); and (f) of the Privacy Act of 1974. The system is exempt:

a. To the extent that the system consists of investigatory material compiled for law enforcement purposes. However, if any individual is denied any right, privilege, or benefit for which the individual would otherwise be eligible as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of the Act, under an implied promise that the identity of the source would be held in confidence; and

b. To the extent the system consists of investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of the Act, under an implied promise that the identity of the source would be held in confidence.

This system has been exempted to maintain the efficacy and integrity of lawful investigations conducted pursuant to the Office of Inspector General's law enforcement responsibilities and responsibilities in the areas of Federal employment, Government contracts, and access to security classified information.

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