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Wednesday  
June 9, 1999

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**Part IV**

**Department of  
Education**

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34 CFR Part 5b  
Privacy Act of 1974; Implementation;  
Final Rule

DEPARTMENT OF EDUCATION

34 CFR Part 5b

RIN 1880-AA78

Privacy Act Regulations; Implementation

AGENCY: Office of Inspector General, Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the Department's regulations implementing the Privacy Act of 1974 (the Act). These amendments are needed to modify existing departmental regulations to exempt from certain provisions of the Act a new system of records known as the Office of Inspector General (OIG) Hotline Complaints Files (System No. 18-10-0004) (ED/OIG Hotline Complaint Files). These exemptions are needed to protect information regarding Hotline complaints from disclosure to target individuals and others who could interfere with the processing and disposition of the information and with law enforcement activities relating to the Hotline complaints.

DATES: These regulations are effective July 9, 1999.

FOR FURTHER INFORMATION CONTACT: Gary Mathison, Acting Assistant Inspector General for Investigations, U.S. Department of Education, 400 Maryland Avenue, SW., room 4106, Switzer Building, Washington, DC 20202-1530. Telephone: (202) 205-8762. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: On November 24, 1997, the Secretary published a notice of proposed rulemaking (NPRM) for this amendment in the Federal Register (62 FR 62670). The NPRM included a detailed summary of major issues on pages 62670-62672. In the same issue of the Federal Register, the Secretary published a Notice of a New System of Records entitled "Hotline Complaint Files of the Inspector General" (62 FR

62673). The Secretary stated that the new system would not be implemented until the proposed exemptions became final. The exemptions become final on the effective date of these final regulations.

Except for minor editorial and technical revisions, there are no differences between the NPRM and these final regulations.

The exemptions are authorized under the Privacy Act, 5 U.S.C. 552a(j)(2) and (k)(2). Under subsection (j)(2) of the Act, the Secretary through rulemaking may exempt from certain provisions of the Act those systems of records maintained by a component of the Department that performs as its principal function any activity pertaining to the enforcement of criminal laws, if the information in the system is compiled for the purpose of criminal investigation. Under 5 U.S.C. 552a(k)(2), the Secretary through rulemaking may exempt from a more limited number of Privacy Act requirements a system of records that contains investigatory materials compiled for civil and administrative law enforcement purposes.

Public Comment

In the NPRM the Secretary invited comments on the proposed regulations. We did not receive any comments.

Paperwork Reduction Act of 1995

These regulations do not contain any information collection requirements.

Intergovernmental Review

This program is not subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79.

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(Catalogue of Federal Domestic Assistance Number does not apply)

List of Subjects in 34 CFR Part 5b

Privacy.

Dated: June 4, 1999.

Richard W. Riley, Secretary of Education.

The Secretary amends part 5b of title 34 of the Code of Federal Regulations as follows:

PART 5b—PRIVACY ACT REGULATIONS

1. The authority citation for part 5b is revised to read as follows:

Authority: 5 U.S.C. 301 and 552a.

2. Section 5b.11 is amended by revising paragraphs (b), introductory text, and (c)(1), introductory text, to read as follows:

§ 5b.11 Exempt systems.

\* \* \* \* \*

(b) Specific systems of records exempted under (j)(2). The Department exempts the Investigative Files of the Inspector General ED/OIG (18-10-0001) and the Hotline Complaint Files of the Inspector General ED/OIG (18-10-0004) systems of records from the following provisions of 5 U.S.C. 552a and this part:

\* \* \* \* \*

(c) \* \* \*

(1) The Department exempts the Investigative Files of the Inspector General ED/OIG (18-10-0001) and the Hotline Complaint Files of the Inspector General ED/OIG (18-10-0004) from the following provisions of 5 U.S.C. 552a and this part to the extent that these systems of records consist of investigatory material and complaints that may be included in investigatory material compiled for law enforcement purposes:

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[FR Doc. 99-14585 Filed 6-8-99; 8:45 am]

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