

provide information described in the notification procedure. Requests by an individual for access to a record must meet the requirements in the regulations at 34 CFR 5b.5.

CONTESTING RECORD PROCEDURES:

If an individual wishes to change the content of a record in the system of records, he or she should contact the system manager with the information described in the notification procedure, identify the specific item(s) to be changed, and provide a written justification for the change. Requests to amend a record must meet the requirements of the regulations at 34 CFR 5b.7.

RECORD SOURCE CATEGORIES:

Information is obtained from Department program offices, debtors, court orders, and probation officers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

18-03-04

SYSTEM NAME:

Files and Lists of Potential and Current Consultants, Grant Application Reviewers Peer Reviewers, and Site Visitors.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See the Appendix attached to this system notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been or may be used by the Department as consultants, field readers, grant application reviewers, peer reviewers or site visitors, to review and evaluate various program activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, telephone number, title, institutional or agency affiliation, resume, social security number or other individual identifier, compensation and/or reimbursement information (if any), and area(s) of individual expertise of each individual serving as a consultant, field reader, grant application reviewer or site visitor. Records of past performance of individuals covered by this notice. Disability (if special arrangement need to be made).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

20 U.S.C. 1221e-3(a)(1), (b), 1232, and 3474.

PURPOSE(S):

The Department uses the information in this system of records to determine qualification and fitness of individuals the Department may use to review and evaluate documents, programs, and projects of the Department of Education, its grantees and contractors.

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

The Department may disclose personally identifiable information from this record system for the following purposes:

(1) *Congressional member disclosure.* The Department may disclose records to a member of Congress from the record of an individual in response to an inquiry from the member made at the written request of that individual. The member's right to the information is no greater than the right of the individual who requested it.

(2) *Enforcement disclosure.* In the event that information in this system of records indicates, either on its face or in connection with other information, a violation or potential violation of any applicable statute, regulation, or order of a competent authority, The Department may disclose the relevant records to the appropriate agency, whether foreign, Federal, State, Tribal, or local, charged with the responsibility of investigating or prosecuting that violation or charged with enforcing or implementing the statute, executive order, rule, regulation, or order issued pursuant thereto.

(3) *Litigation and Alternative Dispute Resolution (ADR) Disclosures.*

(a) *Introduction.* In the event that one of the parties listed below is involved in litigation or ADR, or has an interest in litigation ADR, The Department may disclose certain records to the parties described in paragraphs (b), (c) and (d) of this routine use under the conditions specified in those paragraphs:

(i) The Department of Education, or any component of the Department; or
 (ii) Any Department employee in his or her official capacity; or
 (iii) Any Department employee in his or her individual capacity if the Department of Justice (DOJ) has agreed to provide or arrange for representation for the employee;
 (iv) Any Department employee in his or her individual capacity where the agency has agreed to represent the employee; or
 (v) The United States where the Department determines that the litigation is likely to affect the Department or any of its components.

(b) *Disclosure to the DOJ.* If The Department determines that disclosure

of certain records to the DOJ is relevant and necessary to litigation or ADR, the Department may disclose those records as a routine use to the DOJ.

(4) *Employment, benefit, and contracting disclosure.*

(5) *For decisions by the Department.* A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(6) *For decisions by other Federal agencies.* A record from this system of records may be disclosed to a Federal agency, 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 issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

(7) *Employee conduct disclosure.* If a record maintained by The Department is relevant to an employee discipline or competence determination proceeding of another agency of the Federal Government, The Department may disclose the record in the course of the proceeding.

(8) *Labor organization disclosure.* Where a contract between a component of the Department and a labor organization recognized under Chapter 71, U.S.C. Title V provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such an organization.

(9) *FOIA advice disclosure.* In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

(10) *Contract disclosure.* When the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(11) *Research disclosure.* The Department may, if the disclosure of a record is compatible with the purpose for which the record was collected, disclose a record from this system of records as a routine use to individuals and organizations deemed qualified by the Secretary to carry out specific research solely for the purpose of carrying out such research.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file cabinets or card files and (in limited locations) computer tapes and disks.

RETRIEVABILITY:

By name, title, area(s) of individual expertise, dates served, institutional or agency affiliation, or social security number of potential, current or past consultant, field reader, grant application reviewer, or site visitor.

SAFEGUARDS:

Direct access is restricted to persons designated by system managers to be responsible for maintenance of file(s) or decisions regarding selection of consultants, field readers, grant application reviewers, or site visitors. Automated locations are protected by requiring a password as well as ID users' code.

RETENTION AND DISPOSAL:

Records regarding an individual are destroyed 5 years after the last time the Department makes use of the individual's services.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Office, Office of Chief Financial and Chief Information Office, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4E213, Washington, DC 20202. See the Appendix to this system notice for additional system managers.

NOTIFICATION PROCEDURE:

Contact system manager of pertinent organizational component(s) and provide identification information required under 34 CFR 5b.5.

RECORD ACCESS PROCEDURES:

Same as notification procedure above.

RECORD SOURCE CATEGORIES:

Information provided voluntarily by individuals interested in serving as consultants, field readers, grant application reviewers, or site visitors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix to 18-03-04

Additional System Managers and System Locations

Supervisor, Management and Program Analyst, Office for Civil Rights, U.S. Department of Education, 330 C Street, SW., Room 5026, Washington, DC 20202.

Supervisor, Management and Program Analyst, Office for Civil Rights, U.S. Department of Education, 330 C Street, SW., Room 5026, Washington, DC 20202.

Policy Coordinator Analyst, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3W337, Washington, DC 20202.

Director, Office of Management, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2W300, Washington, DC 20202.

Management and Program Analyst, Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4082, Washington, DC 20202.

Customer Service Specialist, Office of Special Education and Rehabilitative Services, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3113, Washington, DC 20202.

Executive Secretariat Liaison, Office of Vocational and Adult Education, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4090, Washington, DC 20202.

Director, International Education and Graduate Programs Service, Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202-5247.

Director, Office of Indian Education, Office of Elementary and Secondary Education, 400 Maryland Avenue, SW., Room 4300, Portal Building, Washington, DC 20202-6335.

18-04-02

SYSTEM NAME:

Freedom of Information Act and Privacy Act Tracking System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Information Management Group, Office of the Chief Information Officer, U.S. Department of Education, Seventh and D Streets, Room 5624, ROB-3, Washington, DC 20202-4651. See the Appendix at the end of this notice for additional system locations at Headquarters and Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains records on individuals who have submitted or were the subjects of requests made under the provisions of the Freedom of Information Act and under the Privacy Act of 1974.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of names, addresses, dates of request and responses, descriptions or identifications of records requested, amount of fees paid, if any; payment delinquencies, if any; final determinations of appeals or denials and summary of log. Copies of requested records are not maintained in the system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Freedom of Information Act (5 U.S.C. 552) and the Privacy Act of 1974 (5 U.S.C. 552a).

PURPOSE(S):

This system is used to document and track the status of requests made under both the Freedom of Information Act and the Privacy Act. This system is also used to generate the annual report to the Department of Justice (DOJ) as required by the Freedom of Information Act and the biennial report to the Office of Management and Budget (OMB) and Congress as required by the Privacy Act.

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

The Department of Education (Department) may disclose information contained in a record in this system of records under the routine uses listed in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. These disclosures may be made on a case-by-case basis or, if the Department has complied with the computer matching requirements of the Act, under a computer matching agreement.

(1) *Contract Disclosure.* If the Department contracts with an entity for the purposes of performing any function that requires disclosure of records in this system to employees of the contractor, the Department may disclose the records to those employees. Before entering into such a contract, the Department shall require the contractor to maintain Privacy Act safeguards as required under 5 U.S.C. 552a(m) with respect to the records in the system.

(2) *Litigation and Alternative Dispute Resolution (ADR) Disclosures.*

(a) *Introduction.* In the event that one of the parties listed below is involved in litigation or ADR, or has an interest in litigation ADR, the Department may disclose certain records to the parties described in paragraphs (b), (c) and (d) of this routine use under the conditions specified in those paragraphs:

(i) The Department of Education, or any component of the Department; or