

(v) The United States where the Department determines that the litigation is likely to affect the Department or any of its components.

(3) *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) *Administrative Disclosures.* If the Department determines that disclosure of certain records to an adjudicative body before which the Department is authorized to appear, an individual or entity designated by the Department or otherwise empowered to resolve or mediate disputes is relevant and necessary to the administrative litigation, the Department may disclose those records as a routine use to the adjudicative body, individual, or entity.

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

STORAGE:

Records are stored in binders in file cabinets.

RETRIEVABILITY:

Records are filed alphabetically by location.

SAFEGUARDS:

All physical access to the Department of Education site where this system of records is maintained, is controlled and monitored by security personnel who check each individual entering the building for his or her employee or visitor badge.

RETENTION AND DISPOSAL:

Superseded policy materials are maintained by the Director, Quality Workplace Group for historical purposes. Records at other Department locations are maintained until the Parking Control purpose has been met, and the records are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Quality Work Group (QWG), Office of Management, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2E315, Washington, DC 20202.

NOTIFICATION PROCEDURE:

If you wish to determine whether a record exists regarding you in this system of records, provide the system manager with your name, social security number, agency and office and the location where Department parking is provided. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure. Requesters should also reasonably specify the record contents sought. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURES:

Contact the system manager at the address specified under notification procedure above, and reasonably identify the record and specify the information to be contested. Your request must meet the requirements of the regulations at 34 CFR 5b.7.

RECORD SOURCE CATEGORIES:

Information in this system are obtained from reports submitted by Department Staff, Principal Offices and Regional Offices, GSA-Federal Management circulars and Federal Property Management Regulations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-05-02

SYSTEM NAME:

Family Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA) Record Systems.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Family Policy Compliance Office, Office of Management, U.S. Department of Education, Room 2W100, Washington, DC 20202-4506.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have made inquiries or who have filed complaints alleging violations of provisions in FERPA and PPRA; and those who have commented to the Department on its proposed rules and practices.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of correspondence alleging violations of FERPA and PPRA as well as comments submitted to the Department on its proposed rules and practices.

AUTHORITY OF MAINTENANCE OF SYSTEM:

Family Educational Rights and Privacy Act (20 U.S.C. 1232g) and Protection of Pupil Rights Amendment (20 U.S.C. 1232h).

PURPOSE(S):

Information contained in this system is used to resolve disputes regarding violations of FERPA and PPRA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE 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) *Member of Congress 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.

(2) *Educational Agency or Institution.* The Department may disclose records from this system of records to an educational agency or institution against which a complaint has been made.

(3) *State Educational Agency.* The Department may disclose records to a State educational agency relative to an educational agency or institution in that State against which a complaint has been filed.

(4) *Disclosure for Use by Other Law Enforcement Agencies.* The Department may disclose information to any Federal, State, local or foreign agency or other public authority responsible for enforcing, investigating, or prosecuting violations of administrative, civil, or criminal law or regulation if that information is relevant to any enforcement, regulatory, investigative, or prosecutive responsibility within the receiving entity's jurisdiction.

(5) *Disclosure to the Department of Justice (DOJ).* The Department may disclose records to the DOJ to the extent necessary for obtaining DOJ advice on any matter relevant to FERPA or PPRA investigations or other enforcement responsibilities under FERPA or PPRA;

(6) *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.

(7) *Freedom of Information Act (FOIA) Advice Disclosure.* The Department may disclose records to the Department of Justice and the Office of Management and Budget if the Department concludes that disclosure is desirable or necessary in determining whether particular records are required to be disclosed under the FOIA.

(8) *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.

(9) *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.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable to this system of records.

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

STORAGE:

The records are maintained in hard-copy form filed in standard lockable file cabinets, or on electronic files in which case document disks are kept in lockable file cabinets.

RETRIEVABILITY:

Records are indexed under the names of institutions against which individuals are alleging violations of FERPA.

SAFEGUARDS:

Direct access is restricted to FPCO staff; main files are left in locked file cabinets when not in use.

RETENTION AND DISPOSAL:

Inquiry records are maintained a minimum of three years; complaint and investigative records are maintained a minimum of five years after the case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2W100, Washington, DC 20202-4056.

NOTIFICATION PROCEDURE:

If you wish to determine whether a record exists regarding you in the system of records, contact the system manager. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

RECORD ACCESS PROCEDURES:

If you wish to gain access to a record regarding you in the system of records, contact the system manager. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURES:

If you wish to contest the content of a record regarding you in the system of records, contact the system manager. Your request must meet the requirements of the regulations at 34 CFR 5b.7.

RECORD SOURCE CATEGORIES:

The information in this system is obtained from incoming correspondence, responses and material obtained during the course of any investigation.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-05-04

SYSTEM NAME:

Discrimination Complaints Records System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Equal Employment Opportunity Group, Office of Management, U.S. Department of Education, 400 Maryland

Avenue SW, Room 2W228, Washington, DC 20202-4550.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains records on individuals—employees as well as applicants for employment—or groups of individuals who have filed Equal Employment Opportunity (EEO) complaints of discrimination on the basis of race, color, religion, sex (including sexual harassment or sexual orientation), national origin, age, disability, or reprisal for having engaged in a prior EEO activity.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of records concerning the Department's formal complaints of discrimination processes, including counselor reports, the initial allegations and efforts at resolution, letters or notices to the individual or class agent, materials placed into the record to support or refute the decision or determination, statements to witnesses, investigative reports, instructions about action to be taken to comply with decisions, and related correspondence, opinions and recommendations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2000e; 29 U.S.C. 633a; Executive Order 11478; 29 CFR 1614.

PURPOSE(S):

The Equal Employment Opportunity Group uses the information contained in this system to adjudicate complaints or appeals, to provide a basis for a corrective action related to the discrimination situation and as a data source for management information for production of descriptive statistics and analytical studies.

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

The Department (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) *Disclosure to OMB, MSPB and EEOC.* The Department may disclose records to the Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), or the Equal