

**Appendix to 18-08-01***Additional System Locations*

OCR, Boston Office, J.W. McCormack Post Office and Court House Building, Room 222, Boston, MA 02109-4557.

OCR, New York Office, 75 Park Place, 14th Floor, New York, NY 10007.

OCR, Philadelphia Office, 100 Penn Square East, Suite 515, Philadelphia, PA 19107.

OCR, Chicago Office, 111 North Canal Street, Room 1053, Chicago, IL 60606-7204.

OCR, Cleveland Office, Bank One Center, 600 Superior Avenue, East, Suite 750, Cleveland, OH 44114-2611.

OCR, Atlanta Office, Sam Nunn Federal Office Building, 61 Forsyth Street SW, Suite 19T70, Atlanta, GA 30303.

OCR, Dallas Office, 1999 Bryan Street, Suite 2600, Dallas, TX 75201.

OCR, Kansas City Office, 10220 N. Executive Hills Boulevard, Kansas City, MO 64153-1367.

OCR, Denver Office, Colonnade Building, 1244 Speer Boulevard, Suite 300, Denver, CO 80204-3582.

OCR, San Francisco Office, Old Federal Building, 50 United Nations Plaza, Room 239, San Francisco, CA 94102.

OCR, Seattle Office, Henry M. Jackson Federal Building, 915 Second Avenue, Room 3310, Seattle, WA 98174-1099.

OCR, District of Columbia Office, PO Box 14620, Washington, DC 20004-4620.

**18-08-02****SYSTEM NAME:**

Complaint Files and Log.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Office for Civil Rights, U.S. Department of Education, Mary E. Switzer Building, 330 C Street, SW., Room 5074, Washington, DC 20202. See the Appendix at the end of this system notice for additional system locations.

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

This system contains information on individuals or groups of individuals who have made civil rights complaints to the Office for Civil Rights (OCR).

**CATEGORIES OF RECORDS COVERED BY THE SYSTEM:**

This system consists of records relating to complaints to the Office for Civil Rights including:

- (1) Names, addresses, and telephone numbers of complainants, complaint allegations, results of investigations;
- (2) Correspondence related to the complaint. The material may include copies of correspondence sent by OCR to others, correspondence received by OCR, records of telephone conversations, copies of e-mail or other written communications;

(3) Investigator and attorney memoranda;

(4) Interview notes or transcriptions, and witness statements;

(5) Documents gathered during an investigation, including photographs of persons or things, portions of a recipient institution's records, and a complainant's or other individuals' scholastic, medical, or employment records; and

(6) Charts, prepared exhibits, or other analytical materials prepared by OCR staff or by consultants retained by OCR.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, *et seq.*; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681, *et seq.*; sec. 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, *et seq.*; Age Discrimination Act of 1975, 42 U.S.C. 6101, *et seq.*; and Title II of the Americans With Disabilities Act, 42 U.S.C. 12131, *et seq.*

**PURPOSE(S):**

The Office for Civil Rights uses this system for the following purposes:

- (1) To determine and to document whether there was discrimination against the complainant or others;
- (2) To record the steps taken to resolve a case;
- (3) To store materials gathered, developed, or received during the processing of a case; and
- (4) To document the steps taken to resolve a case.

**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) *Disclosure to Congress, other Agencies, or the Public.* The Department may disclose summary information derived from this system of records to Congress, other agencies, and the public to describe the kinds of work OCR has done, or to document the work it has accomplished.

(2) *Disclosure to Recipients of Federal Financial Assistance, Witnesses, or Consultants.* The Department will release information contained in this

system of records to recipients of federal financial assistance, witnesses, or consultants when it determines that such release would assist OCR in resolving a civil rights complaint or in obtaining additional information or expert advice relevant to the investigation.

(3) *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 of information that is relevant to any enforcement, regulatory, investigative, or prosecutive responsibility within the receiving entity's jurisdiction.

(4) *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.

(5) *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 or 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.

(c) *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.

(c) *Administrative Disclosures.* If the Department or one of its components determines that disclosure of certain records to an adjudicative body before which the Department or one of its components 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.

(d) *Parties, counsels, representatives, and witnesses.* If the Department or one of its components determines that disclosure of certain records to a party, counsel, representative or witness in an administrative proceeding is relevant and necessary to the litigation, the Department or its component may disclose those records as a routine use to the party, counsel, representative or witness.

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

(7) *Research Disclosure.* The Department may disclose records to a researcher if an appropriate official of the Department determines that the individual or organization to which the disclosure would be made is qualified to carry out specific research related to functions or purposes of this system of records. The official may disclose records from this system of records to that researcher solely for the purpose of carrying out that research related to the functions or purposes of this system of records. The researcher shall be required to maintain Privacy Act safeguards with respect to the disclosed records.

(8) *Congressional Member Disclosure.* The Department may disclose individual records to a member of Congress from the record of an individual in response to an inquiry from the member made 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.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Not applicable.

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

**STORAGE:**

The records in this system are contained in file folders.

**RETRIEVABILITY:**

The records in this system are indexed by and retrievable by the name of the case or the complaint number.

**SAFEGUARDS:**

OCR keeps case files in lockable cabinets located in lockable storage rooms. Access to offices in which storage rooms are located is restricted to OCR staff and authorized visitors.

**RETENTION AND DISPOSAL:**

Pursuant to the Department's Record Disposition Schedules, files at the Headquarters Office will be transferred to the Federal Records Center (FRC) after the case has been inactive for five years. Files at the regional offices are transferred to the FRC after the file has been inactive for two years. All files are destroyed fifteen years after the end of the fiscal year in which the case is resolved.

**SYSTEM MANAGER(S) AND ADDRESS:**

Deputy Assistant Secretary for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW., Room , Switzer Building, Washington, DC 20202.

**RECORD SOURCE CATEGORIES:**

Records are derived from information in complaint investigation files.

**NOTIFICATION PROCEDURES:**

This system is exempted from 5 U.S.C. 552a (e)(4)(G) pursuant to 34 CFR 5b.11(c)(2)(iii).

**RECORD ACCESS PROCEDURES:**

This system is exempted from 5 U.S.C. 552a(e)(4)(H) pursuant to 34 CFR 5b.11(c)(2)(iii).

**CONTESTING RECORD PROCEDURES:**

This system is exempted from 5 U.S.C. 552a(e)(4)(H) pursuant to 34 CFR 5b.11(c)(2)(iii).

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

The Secretary has by regulations exempted the Complaint Files and Log, Office for Civil Rights from the following provisions of the Privacy Act pursuant to 5 U.S.C. 552(k)(2) (civil enforcement):

- (1) 5 U.S.C. 552a(c)(3), regarding access to an accounting of disclosures of records.
- (2) 5 U.S.C. 552a(d)(1) through (4) and (f), regarding notification of and access

to records and correction or amendment of records.

(3) 5 U.S.C. 552a(e)(1), regarding the requirement to maintain only relevant and necessary information.

(4) 5 U.S.C. 552a(e)(4)(G), (H), and (I), regarding inclusion of information in the system notice about procedures for notification, access, correction, and source of records. These exemptions are stated in 34 CFR 5b.11. As indicated in 34 CFR 5b.11(c)(2), individuals will be provided information from this record system except when in accordance with the provisions of 5 U.S.C. 552a(k)(2), unless:

(1) Disclosure of such information 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

(2) If the information was obtained prior to September 28, 1975, disclosure of such information would reveal the identity of the source under an implied promise that the identity of the source would be held in confidence.

**Appendix to 18-08-02**

*Additional System Locations and System Managers*

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- OCR, District of Columbia Office, PO Box 14620, Washington, DC 20004-4620.

**18-09-01**

**SYSTEM NAME:**

Administrative Claims.

**SECURITY CLASSIFICATION:**

None.