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Friday  
June 4, 1999

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**Part II**

**Department of  
Education**

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Privacy Act of 1974; Systems of  
Records; Notice

**DEPARTMENT OF EDUCATION****Privacy Act of 1974; Systems of Records**

**AGENCY:** Department of Education.

**ACTION:** Notice of new, amended, altered and deleted systems of records.

**SUMMARY:** The Acting Chief Information Officer for the Department of Education publishes this notice of New, Amended, Altered and Deleted Systems of Records. On May 14, 1998, the President directed executive departments and agencies to, among other things, review all systems for accuracy, completeness and to ensure that all routine uses are needed and consistent with the purposes for which the records were collected in each system. This document is a result of that review.

**DATES:** Comments on the proposed routine uses for the systems of records included in this notice must be received by the Department on or before July 6, 1999. The Department filed a report describing the new and altered systems of records covered by this notice with the Chair of the Committee on Governmental Affairs of the Senate, the Chair of the Committee on Government Reform and Oversight of the House, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on May 14, 1999. The changes made in this notice will become effective after the 30-day period for OMB review of the systems expires on June 14, 1999; unless OMB gives specific notice within the 30 days that the changes are not approved for implementation or requests an additional 10 days for its review. The routine uses become effective 30 days after publication unless they need to be changed as a result of public comment or OMB review. The Department will publish any changes to the routine uses.

**ADDRESSES:** All comments on the proposed routine uses should be addressed to Bill Burrow, Office of Chief Information Officer, Acting Information Management Group Leader, U.S. Department of Education, Room 5624 Regional Office Building, 400 Maryland Avenue, SW., Washington, DC 20202-4580. Telephone: 202-401-0250. Comments may also be sent through the Internet to:

Comments@ed.gov

You must include the term "System of Records" in the subject line of the electronic comment.

All comments submitted in response to this notice will be available for public inspection, during and after the

comment period, in Room 5624 Regional Office Building, 7th and D Streets, S.W., Washington, DC, between the hours of 8 a.m. and 4:30 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

On request the Department supplies an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking docket for this notice. An individual with a disability who wants to schedule an appointment for this type of aid may call (202) 205-9265 or (202) 260-0250. An individual who uses a TDD may call the Federal Information Relay Service at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Bill Burrow, Office of Chief Information Officer, Acting Information Management Group Leader, U.S. Department of Education, Room 5624 Regional Office Building, 400 Maryland Avenue, SW., Washington, DC 20202-4580. Telephone: 202-401-0250. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

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:****Electronic Access to This Document**

Anyone may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Portable Document Format (PDF) on the World Wide Web at either of the following sites:

<http://ocfo.ed.gov/fedreg.htm>  
<http://www.ed.gov/news.html>

To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using PDF, call the U.S. Government Printing Office toll free at 1-888-293-6498.

Anyone may also view these documents in text copy only on an electronic bulletin board of the Department. Telephone: (202) 219-1511 or, toll free, 1-800-222-4922. The documents are located under Option G—Files/Announcements, Bulletins and Press Releases.

**Note:** The official version of this document is the document published in the **Federal Register**.

**Introduction**

In a memorandum dated May 14, 1998, President Clinton directed executive departments and agencies (agencies) to conduct a thorough review for accuracy and completeness of all agency systems of records. The President specifically directed agencies to consider changes in technology, function and organization that may have made the systems out of date and to review the routine uses published in the system notices to make sure that they continue to be necessary and compatible with the purposes for which they were collected. He also directed agencies to identify systems that may not have been described in a notice published in the **Federal Register** and to publish notices for any changes to the agency systems of records and report to the Office of Management and Budget within one year regarding the results of their efforts.

The Act (5 U.S.C. 552a)(e)(4) requires the Department to publish in the **Federal Register** this notice of changes to systems of records managed by the Department. The Department's regulations implementing the Act are contained in the Code of Federal Regulations (CFR) in 34 CFR part 5b.

The Privacy Act of 1974 (Privacy Act), 5 U.S.C. 552a, applies to information about individuals that contain individually identifiable information and that may be retrieved by a unique identifier associated with each individual, such as a name or social security number. The information about each individual is called a "record" and the system, whether manual or computer-driven, is called a "system of records." The Act requires each agency to publish notices of systems of records in the **Federal Register** and to prepare reports to the Office of Management and Budget (OMB) whenever the agency publishes a new or "altered" system of records. A system is considered altered whenever certain fundamental changes are made to the system such as changing from a manual to automated system of records or whenever certain disclosures, called "routine uses," are changed in the system of records.

Most of the changes made by this notice are technical in nature, reflecting the current name and address of the office responsible for each system. Every effort has been made to update the notices to make them more "reader friendly," dispensing with traditional bureaucratic language. As part of that process, all the routine uses have been updated and, where the Department

intends to apply the same routine use to more than one system, the same language is used for all systems that use the routine use. The intent is not to substantively change any of the routine uses but to make them clearer and consistent. However, because the Department is applying these revisions to all of its systems of records, the Chief Information Officer decided to treat all systems included in this notice as altered systems of records.

Many of the system notices included in this **Federal Register** notice have not been updated since they were published in a **Federal Register** compilation of Department system notices on April 20, 1982. As a result, revisions are needed to accurately describe the current systems of records.

### Deleted Systems

The Department identified 22 systems to be deleted after finding that they are either no longer needed to administer the Department's programs or activities or that they duplicate other systems maintained by the Department or other agencies such as the Office of Personnel Management. The numbers for these systems are based on the identification system used by the Department up to this date.

- 18-07-0002 Congressional Correspondence.
- 18-11-0005 Safety Management Information System (Department of Education Accident, Injury and Illness Reporting System).
- 18-11-0007 Applicants for Employment Records.
- 18-11-0010 Employee Alcoholism, Drug Abuse and Emotional Problem Counseling and Referral Records.
- 18-11-0011 Employee Appraisal Program Records.
- 18-11-0012 Executive Development Records System.
- 18-11-0018 Personnel Records in Operating Offices.
- 18-11-0019 Special Employment Programs.
- 18-11-0020 Suitability for Employment Records.
- 18-11-0025 Employee Suggestion Program Records.
- 18-20-0001 Fund for the Improvement of Postsecondary Education; FIPSE Field Readers to Review Proposals for the Department.
- 18-40-0002 Registry of Deaf-Blind Children/Regional-National.
- 18-40-0003 Students Participation in Deaf-Blind Programs Under Centers and Services for Deaf-Blind Children.
- 18-40-0004 Parent Participants in Deaf-Blind Programs Provided by Regional Centers for Deaf-Blind Children.
- 18-40-0005 Participant Waiting List for Projects Serving Severely Handicapped Children and Youth.
- 18-40-0006 Participants of Projects Serving Severely Handicapped Children and Youth.

- 18-40-0007 Participants in Workshops Concerning Severely Handicapped Children and Youth.
- 18-40-0009 Selective Service Registration Compliance File.
- 18-40-0021 Student Financial Assistance—Compliance Files.
- 18-40-0032 Record of Advances of Funds for Employees Traveling for the Department of Education.
- 18-40-0038 National Science Scholars Program.
- 18-42-0065 NIE Outside Experts.

### New Numbering System

The Department establishes a new numbering system for its systems of records. The following list identifies each system notice published in this document based on the new numbering system.

- 18-01-01 Secretary's Communication Control System.
- 18-01-02 Education Senior Management Biographies.
- 18-02-01 Even Start Performance Information Reporting System and Experimental Design Study.
- 18-03-01 Debarment and Suspension Proceedings Under Executive Order 12549, the Drug-Free Workplace Act, and the Federal Acquisition Regulations.
- 18-03-02 Education's Central Automated Processing System (EDCAPS).
- 18-03-03 Receivables Management System.
- 18-03-04 Files and Lists of Potential and Current Consultants, Grant Application Reviewers, Peer Reviewers, and Site Visitors.
- 18-04-01 Freedom of Information, Correspondence and Case Files.
- 18-04-02 Freedom of Information Act and Privacy Act Tracking System.
- 18-05-01 Departmental Parking Control Policy.
- 18-05-02 Family Educational Rights and Privacy Act (FERPA) and Protection of Pupil Rights Amendment (PPRA) Record Systems.
- 18-05-03 Federal Personnel Payroll System.
- 18-05-04 Discrimination Complaints Records System.
- 18-05-05 Grievances Filed Formally Under the Administrative Grievance Procedures.
- 18-05-06 Grievance Records Filed Under Procedures Established by Labor-Management Negotiations.
- 18-05-07 Unfair Labor Practice Records.
- 18-05-08 Official Time Records of Union Officials and Bargaining Unit Employees at the Department of Education.
- 18-05-09 Voluntary Leave Transfer Program.
- 18-05-10 General Performance Appraisal System (GPAS).
- 18-05-11 Training Registration and Information System (TRAINS).
- 18-05-12 Grievances Filed Informally through the Informal Dispute Resolution Center (IDR).
- 18-06-01 Federal Advisory Committee Membership Files.
- 18-06-02 Telephone Directory/Locator System.
- 18-06-03 Presidential Scholars Files of Selected Participants.
- 18-07-01 Congressional Members' Biographies.
- 18-07-02 Congressional Grant Notification Control System.
- 18-08-01 Case Information System.
- 18-08-02 Complaint Files and Log.
- 18-09-01 Administrative Claims.
- 18-09-02 OGC-Attorney Applicant Files.
- 18-09-03 Employee Conduct—Government Ethics.
- 18-09-04 Litigation Files, Administrative Complaints, and Adverse Personnel Actions.
- 18-10-01 Investigative Files of the Inspector General.
- 18-10-02 Investigatory Material Complied for Personnel Security and Suitability Purposes.
- 18-10-03 OIG Non-Federal Auditor Referral, Suspension, and Debarment File.
- 18-10-04 Hotline Complaint Files of the Inspector General.
- 18-11-01 Federal Student Aid Application File.
- 18-11-02 Recipient Financial Management System.
- 18-11-03 Student Financial Assistance Validation File.
- 18-11-04 Student Financial Assistance—Student Complaint Files.
- 18-11-05 Title IV Program Files.
- 18-11-06 National Student Loan Data System.
- 18-11-07 Student Financial Assistance Collection Files.
- 18-11-08 Student Account Management System. (Previously published in the **Federal Register** of June 1, 1999).
- 18-11-09 Postsecondary Education Participants System (PEPS).
- 18-12-01 Title IV Foreign Language and Area Studies Program.
- 18-12-02 Fulbright-Hays Doctoral Dissertation Research Abroad, Fulbright-Hays Faculty Research Abroad, and Fulbright-Hays Seminars Abroad.
- 18-12-03 Jacob K. Javits Fellows System.
- 18-12-04 Title VI International Research and Studies Program.
- 18-13-01 National Center for Education Statistics Longitudinal Studies and the School and Staffing Surveys.
- 18-13-02 National Center for Education Statistics Affidavits of Nondisclosure.
- 18-13-03 National Center for Education Statistics' National Assessment of Educational Progress.
- 18-13-04 Outcomes of Diversity in Higher Education Surveys.
- 18-14-01 Educationally Disadvantaged Students Attending Private Schools Served Through Bypass Contracts.
- 18-14-02 Fellowships for Indian Students—Applications and Awards.
- 18-15-01 Bilingual Education Graduate Fellowship Program.

### New Systems of Records

Of the systems identified in the preceding list, the following systems of records have been identified as new:

- 18-02-01 Even Start Performance Information Reporting System and Experimental Design Study.
- 18-04-02 Freedom of Information Act and Privacy Act Tracking System.
- 18-05-09 Official Time Records of Union Officials and Bargaining Unit Employees at the Department of Education.
- 18-05-10 Voluntary Leave Transfer Program.
- 18-05-11 General Performance Appraisal System (GPAS).
- 18-05-12 Training Registration and Information System (TRAINS).
- 18-07-01 Congressional Members' Biographies.
- 18-07-01 Congressional Grant Notification Control System.
- 18-11-07 Student Account Manager.
- 18-11-08 Postsecondary Education Participants System (PEPS).
- 18-12-03 Title VI International Research and Studies Program.
- 18-13-04 Outcomes of Diversity in Higher Education Surveys.
- 18-15-01 Bilingual Education Graduate Fellowship Program.

The following systems of records are in the current compilation of systems of records and continue to be necessary for operation of Department programs or activities. However, technical issues delayed their inclusion in this publication. The Department will publish revised notices for these systems as soon as the technical issues can be resolved.

- 18-05-03 Federal Personnel Payroll System.
- 18-06-03 Presidential Scholars Files of Selected Participants.
- 18-11-04 Student Financial Assistance—Student Complaint Files.
- 18-11-06 National Student Loan Data System.

Dated: May 14, 1999.

**Thomas P. Skelly,**

*Acting Chief Information Officer.*

The Chief Information Officer of the U.S. Department of Education publishes notice of the following systems of records managed by the Department:

**18-01-01**

**SYSTEM NAME:**

Secretary's Communications Control System.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Office of the Executive Secretariat, Office of the Secretary, U.S. Department of Education, 400 Maryland Avenue, SW., Room 7C114, 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 records about individuals who have contacted the Secretary, Deputy Secretary, Senior Officers or other officials of the Department for whom the Department controls responses.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system includes the following types of records: (1) The official correspondence files of each principal office within the Department, and where applicable, a principal office's component office, specifically the hard copies of official documents and electronic images of certain incoming and outgoing documents; (2) control information from the Secretary's, Deputy Secretary's, Senior Officers' and other officials' correspondence that include a subject narrative, the name of the organization drafting the response and the type of action required from the Department; and (3) records of responses to some telephone inquiries where officials determine that a written response should be controlled.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**PURPOSE(S):**

This system of records is maintained to account for the correspondence received by the Department, including correspondence regarding individual concerns and complaints regarding programs administered by the Secretary.

**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 purpose 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) *Government and Privacy Organization Disclosure.* The Department may disclose records to governmental entities and private organizations as necessary to resolve complaints, provide guidance, respond to requests for documents and information, and address concerns regarding those entities and organizations.

(2) *Congressional 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.

(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 or ADR, the Department may disclose certain records to the parties described in paragraphs (b), (c) or (d) of this routine use under the conditions specified in those paragraphs:

(i) The Department of Education, 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; or

(iv) Any Department employee in his or her official 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) *Administrative Disclosure.* 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.

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

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

*Disclosures pursuant to 5 U.S.C. 552a(b) (12):* The Department may disclose to a consumer reporting agency

information regarding a claim by the Department which is determined to be valid and overdue as follows: (1) The name, address, taxpayer identification number and other information necessary to establish the identity of the individual responsible for the claim; (2) the amount, status and history of the claim; and (3) the program under which the claim arose. The Department may disclose the information specified in this paragraph under 5 U.S.C. 552a(b)(12) and the procedures contained in subsection 31 U.S.C. 3711(e). A consumer reporting agency to which these disclosures may be made is defined at 31 U.S.C. 3701(a)(3).

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

**STORAGE:**

The records are maintained in hard copy filed in standard file cabinets; those stored electronically are located on computer disks and on backup media.

**RETRIEVABILITY:**

Files are indexed and retrievable by subject, name of the individual or by the document's control number that is assigned at the time the correspondence is logged into the Department.

**SAFEGUARDS:**

All physical access to the Department of Education sites are controlled and monitored by security personnel who check each individual entering the building for his or her employee or visitor badge. During working hours, direct access to the file cabinets is limited to authorized staff. During non-working hours, the rooms in which the file cabinets are located are locked and only those individuals with access to those rooms can access the hard copies of records.

The computer systems employed by the Department of Education offer a high degree of resistance to tampering and circumvention.

**RETENTION AND DISPOSAL:**

Hard copy records are transferred to the Washington National Records Center one year after cutoff then transferred to the National Archives and Records Administration 10 years after cutoff. Control records on computer are stored indefinitely. Electronic images are retained based on regular records disposal or retention policies identical to hard copies.

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

Executive Secretariat, Office of the Secretary, 400 Maryland Avenue, SW.,

Room 7C114, Washington, DC 20202. See Appendix the end of this system notice for additional system managers.

**NOTIFICATION PROCEDURE:**

If you wish to determine whether a record exists regarding you in this system of records, contact the system manager at the address listed in the Appendix at the end of this system notice. You should indicate your name, the date of the subject documents and reasonable description of the subject matter of the issue involved. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

**RECORD ACCESS PROCEDURES:**

To gain access to records regarding you in this system of records, follow the Notification Procedure described above. 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 this system of records, contact the system manager at the address listed in the Appendix at the end of this system notice, 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:**

Records are derived from documents addressed to or by the Secretary, the Deputy Secretary, Senior Officials or other officials of the Department.

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

None.

**Appendix to 18-01-01**

*Additional System Locations and System Managers*

Director, Correspondence & Communication Control Unit, Office of the Executive Secretariat, Office of the Secretary, U.S. Department of Education, 400 Maryland Avenue, SW., Room 7C114, Washington, DC 20202.

Management Analyst, Office of Chief Financial and Chief Information Office, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4E213, 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.

Staff Assistant, Office of the Deputy Secretary, U.S. Department of Education, 400 Maryland Avenue, SW., Room 7W210, Washington, DC 20202.

Program Management Analyst, Office of Educational Research and Improvement, U.S. Department of Education, 555 New Jersey Avenue, NE., Room 602, 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.

Operations Officer, Office of General Counsel, U.S. Department of Education, 400 Maryland Avenue, SW., Room 6E353, Washington, DC 20202.

Staff Assistant, Office of Intergovernmental and Interagency Affairs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5E317, Washington, DC 20202.

Director, Congressional Affairs, Office of Legislation and Congressional Affairs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 7E301, Washington, DC 20202.

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

Deputy Director, Office of Public Affairs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 7E231, 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.

**18-01-02**

**SYSTEM NAME:**

Education Senior Management Biographies.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Office of the Secretary, Office of Public Affairs (OPA), U.S. Department of Education, 400 Maryland Avenue, SW., Room 7E200, Washington, DC 20202.

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

This system contains information on Department of Education (Department) senior management officials, including the Secretary, Deputy Secretary, Under Secretary, General Counsel, and Assistant Secretaries.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system consists of a short biography and a standard portrait photograph, both of which the senior Department official may elect to provide. The biography includes the official's name, title, office, and a brief overview of the duties performed at the Department.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**  
5 U.S.C. 301

**PURPOSES(S):**

The information contained in this system is made available to the public and staff of the Department who have an interest in seeing the photographs or reading the background information on senior Department officials.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE 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) *General Interest Disclosure.* The records in this system may be released to the public who have an interest in the background or photographs or both of Department senior officials.

(2) *Media Disclosure.* The Department may disclose records in this system for use by the news media and education organizations when preparing articles, interviews or presentations at meetings with senior Department officials.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Not applicable to this system notice.

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

The biographies and photographs are available in electronic format on the Department's Internet website (<http://www.ed.gov>). Hard copies of the biographies and photographs are kept in file cabinets in OPA and in the individual offices of the respective Department senior officials.

**RETRIEVABILITY:**

The biographies and photographs are indexed by the officials' last names in alphabetical order. The general public is

encouraged to access this information via the Department's website (<http://www.ed.gov>). Hard copies are retrieved by the last name of the senior Department official.

**SAFEGUARDS:**

No safeguards are in place since the Department senior management officials agree to the release of this information to the general public.

**RETENTION AND DISPOSAL:**

Paper copies of biographical information of senior level officials are transferred to the National Archives and Records Administration for permanent preservation at the end of each calendar year. Electronic copies of biographical information are periodically updated as circumstances warrant due to promotions, reassignments, resignations and death.

**SYSTEM MANAGER AND ADDRESS:**

Deputy Director, Office of Public Affairs (OPA), U.S. Department of Education, 400 Maryland Avenue, SW., 7E200, 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, title and office at the time your biographical information was submitted. Requests for notification about an individual must meet the requirements of the regulations at 34 CFR 5b.5.

**RECORD ACCESS PROCEDURES:**

If you wish to gain access to a record in this system, contact the system manager and provide the information described above in the Notification Procedure.

**CONTESTING RECORD PROCEDURES:**

If you wish to contest the content of a record, contact the system manager. Any requests to amend a record must meet the regulations at 34 CFR 5b.7.

**RECORD SOURCE CATEGORIES:**

Information in this system is obtained from the Offices of the Secretary, the Deputy Secretary, the Under Secretary, the General Counsel and the Assistant Secretaries.

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

None.

**18-02-01**

**SYSTEM NAME:**

Even Start Performance Information Reporting System and Experimental Design Study.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION(S):**

Division of the Planning and Evaluation Service, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., Room 6W231, Washington, DC 20202.

Fu Associates, Ltd., 2300 Clarendon Boulevard, Suite 1400, Arlington, VA 22201.

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

This system contains records on the families and individuals (parents and children) who are participants in the study.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system consists of the names and addresses of the program participants as well as their responses to interview questions.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

20 U.S.C. 6369.

**PURPOSE(S):**

The information in this system is used for the following purposes: (1) To fulfill the requirement in the Even Start legislation for evaluation of the effectiveness of the Even Start program; (2) To respond to the requirements of the Government Performance and Results Act (GPRA) to report out annually on indicators of program performance; (3) To meet the evaluation requirements of the Education Department's General Administrative Regulations (EDGAR) which stipulate that all grantees conduct annual evaluations; (4) To provide performance data useful to local, State, and Federal administrators, legislators, and policy-makers for program improvement and policy development; (5) To improve on performance indicators that can be used to review the program's implementation and impact; (6) To add to the knowledge base on the effects of family literacy programs by investigating the relationships between program processes and outcomes; (7) To provide evaluation data that can serve as a base on which additional evaluation studies that might be funded separately could build; and (8) To provide an analysis of changes over time in areas such as the types of families served by Even Start, the nature of Even Start projects, and the estimated gains made by adults and children while in the program.

**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) *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.

(c) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

(2) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies and Professional Organizations.* The Department may disclose a record to a Federal, State, local, or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, 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, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(3) *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.

(4) *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.

(5) *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.

(6) *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.

(7) *Employee Grievance, Complaint or Conduct Disclosure.* The Department may disclose a record in this system of records to another agency of the Federal Government if the record is relevant to one of the following proceedings regarding a present or former employee of the Department: complaint, grievance, discipline or competence determination proceedings. The disclosure may only be made during the course of the proceeding.

(8) *Labor Organization Disclosure.* A component of the Department may disclose records to a labor organization if a contract between the component and a labor organization recognized under Title V of the United States Code, Chapter 71, provides that the Department will disclose personal records relevant to the organization's mission. The disclosures will be made only as authorized by law.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Not applicable to this system notice.

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

**STORAGE:**

The Department maintained records on CD-ROM and the contractor maintains data for this system on computers and in hard copy.

**RETRIEVABILITY:**

Records in this system are indexed by a number assigned to each individual which is cross referenced by the individual's name on a separate list.

**SAFEGUARDS:**

All physical access to the Department of Education site, and the sites of Department contractors 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. The computer system employed by the Department

offers a high degree of resistance to tampering and circumvention. This security system limits data access to Department and contract staff on a "need-to-know" basis, and controls individual users' ability to access and alter records within the system. All users of this system of records are given a unique user ID with personal identifiers. All interactions by individual users with the system are recorded.

**RETENTION AND DISPOSAL:**

Records are maintained and disposed of in accordance with the Department of Education's Records Disposition Schedules (ED/RDS).

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

Director, Division of the Planning and Evaluation Service, Office of the Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., Room 6W231, Washington, DC 20202.

**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 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:**

Responses from program participants.

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

None.

18-03-01

**SYSTEM NAME:**

Debarment and Suspension Proceedings under Executive Order (E.O.) 12549, the Drug-Free Workplace Act, and the Federal Acquisition Regulation.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

For records regarding actions under E.O. 12549 against individuals who are involved in nonprocurement transactions related to Department of Education programs, actions under the Drug-Free Workplace Act, and actions under the FAR 9.4: Contracts & Purchasing Office, Office of the Chief Financial Officer, U.S. Department of Education, Seventh and D Streets, SW., Room 3600, ROB-3, Washington, DC 20202-4249.

For records regarding actions under E.O. 12549 against an individual certified public accountant or principals of a CPA firm: Planning, Analysis, and Management Services, Office of Inspector General, U.S. Department of Education, 330 C Street, SW., Room 4022, Switzer Building, Washington, DC 20202-1510.

For records regarding actions under E.O. 12549 against principals of institutions of higher education, principals of lenders, or principals of guarantee agencies: Administrative Actions and Appeals Division, Institutional Participation and Oversight Service, Office of Student Financial Assistance Programs, U.S. Department of Education, Seventh & D Streets, SW., Room 3082, ROB-3, Washington, DC 20202-5267.

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

Principals undergoing debarment or suspension proceedings and principals that have been debarred or suspended. Principals are officers, directors, owners, partners, key employees, or other persons who have a critical influence on or substantive control over a covered transaction, whether or not employed by a participant. A participant is any person who submits a proposal for, enters into, or reasonably may be expected to enter into a covered transaction. A covered transaction is described in the Department's regulations at 34 CFR 85.110(a)(1). Individuals receiving grants subject to requirements under the Drug-Free Workplace Act. Individual contractors undergoing debarment or suspension proceedings and contractors that have been debarred or suspended. Contractors covered by this system of records are individuals that directly or indirectly submit offers for or are awarded, or may reasonably be expected to submit offers for or be awarded, a government contract, or who conduct business, or may reasonably be expected to conduct business with the Department as an agent or representative of another contractor.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains documents including written referrals, communications between the Department and the respondent, intra-agency and inter-agency communications regarding proposed or completed debarments or suspensions, and a record of any findings from debarment or suspension proceedings against individuals under E.O. 12549, the Drug-Free Workplace Act, and the FAR 9.4.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Order 12549, Debarment and Suspension; secs. 5151-5160 of the Drug-Free Workplace Act; and the Federal Acquisition Regulation, 48 CFR part 9, subpart 9.4, Debarment, Suspension, and Ineligibility; Pub. L. 103-355, sec. 2455.

**PURPOSE(S):**

Information contained in this system of records is used to protect the Federal Government from the actions prohibited under the Department of Education (Department) debarment and suspension regulations, Drug-Free Workplace regulations, and the FAR; make decisions regarding debarments and suspensions; and ensure that other Federal agencies give effect to debarment or suspension decisions rendered by the Department.

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

The 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) *Litigation Disclosure*. In the event that one of the parties listed below is involved in litigation, or has an interest in litigation, the Department may disclose certain records to the parties described in paragraphs (2), (3), and (4) 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 employee of Department in his or her individual capacity where the Department of Justice has agreed to provide or arrange for representation for the employee; or



(iv) Any employee of Department in his or her individual capacity where the agency has agreed to represent the employee; or

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

(2) *Disclosure to the Department of Justice.* If the Department determines that disclosure of certain records to the Department of Justice or attorneys engaged by the Department of Justice is relevant and necessary to litigation and is compatible with the purpose for which the records were collected, the Department may disclose those records as a routine use to the Department of Justice.

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

(4) *Opposing counsels, representatives and witnesses.* If the Department determines that disclosure of certain records to an opposing counsel, representative or witness in an administrative proceeding is relevant and necessary to the litigation and is compatible with the purpose for which the records were collected, the Department may disclose those records as a routine use to the counsel, representative or witness.

(5) *Disclosure to the General Services Administration.* The Department makes information contained in this system of records available to the General Services Administration for inclusion in the Lists of Parties Excluded from Federal Procurement or Nonprocurement Programs.

(6) *Disclosure to the Public.* The Department provides information to persons inquiring about individuals who have been debarred or suspended by the Department as necessary to enforce debarment and suspension actions.

(7) *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 relevant records in the system of records may be referred, as a routine use, to the

appropriate agency, whether foreign, Federal, State, tribal, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or executive order or rule, regulation, or order issued pursuant thereto.

(8) *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.

(9) *Contract disclosure.* If the Department contracts with an entity for the purpose of performing any function that requires disclosure of records in this system to employees of the contractor, the Department may disclose the records as a routine use to those employees. Before entering 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.

(10) *Research Disclosure.* Where the appropriate official of the Department determines that an individual or organization is qualified to carry out specific research, that official may disclose information from this system of records to that researcher solely for the purpose of carrying out that research. The researcher shall be required to maintain Privacy Act safeguards with respect to such records.

(11) *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.

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

**STORAGE:**

Records are kept in file folders in locked file cabinets.

**RETRIEVABILITY:**

The records are indexed by the names of the individuals.

**SAFEGUARDS:**

All physical access to the 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 badge. Files are kept in locked

file cabinets. Immediate access to these records is restricted to authorized staff.

**RETENTION AND DISPOSAL:**

Pending disposal, Debarment and Suspension records are retained at the system location. The Department will retain and dispose of the records in accordance with the Department of Education Records Disposition Schedules (ED/RDS).

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

Director, Grants Policy & Oversight Staff, Contracts & Purchasing Office, Office of the Chief Financial Officer, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3652, ROB-3, Washington, DC 20202-0498.

Assistant Inspector General for Planning, Analysis, and Management Services, Office of Inspector General, U.S. Department of Education, Maryland Avenue, SW., Room 4022, Mary E. Switzer Building, Washington, DC 20202-1510.

Director, Administrative Actions and Appeals Division, Institutional Participation and Oversight Service, Office of Student Financial Assistance Programs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3082, ROB-3, Washington, DC 20202-5267.

**NOTIFICATION PROCEDURE:**

If an individual wishes to determine whether a record exists regarding him or her in this system of records, the individual must provide the system manager his or her name, date of birth and social security number. Requests for notification about an individual record must meet the requirements of the regulations at 34 CFR 5b.5.

**RECORD ACCESS PROCEDURES:**

If an individual wishes to gain access to a record in this system, he or she must contact the system manager and provide information as described in the notification procedure. Requests for access to an individual's record must meet the requirements of the regulations at 34 CFR 5b.5. Consistent with 5 U.S.C. 552a(e)(5), the Department retains the discretion not to disclose records to an individual during the course of a debarment or suspension proceeding against the individual.

**CONTESTING RECORD PROCEDURES:**

If an individual wishes to change the content of a record in the system of records, he or she must 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, including

any supporting documentation. Requests to amend a record must meet the requirements of the regulations at 34 CFR 5b.7.

**RECORD SOURCE CATEGORIES:**

Department employees involved in the management of grants and contracts, and other organizations or persons that may have relevant information regarding participants and their principals.

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

None.

**18-03-02**

**SYSTEM NAME:**

Education's Central Automated Processing System (EDCAPS).

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION(S):**

Recipient System (RS), Payment Management Service & Reporting Unit, Financial Payments & Cash Management Operations, Office of the Chief Financial Officer, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4W202, Washington, DC 20202.

Financial Management Software System (FMSS), General Ledger Systems Group, Financial Reporting and Systems Operations, Office of the Chief Financial Officer, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4W202, Washington, DC 20202.

Contracts and Purchasing Support System, Support Services Group, Contracts and Purchasing Operations, Office of the Chief Financial Officer, U.S. Department of Education, Seventh & D Streets, SW., Room 3616, ROB-3, Washington, DC 20202-4651. Contracts and Purchasing Support System (CPSS) National Finance Center, Department of Agriculture, New Orleans, Louisiana.

Grants Administration and Payments System (GAPS) Grants and Contract Management System (GCMS) and the Payment Management System (PMS). The grant application portion of GAPS will be managed by the Grants Policy & Oversight Staff, Office of the Chief Financial Officer, GSA Regional Office Building 3, Seventh & D Streets, SW, Room 3652, Washington, DC 20202-4651. The GAPS payment process will be managed by Payment Management Service & Reporting Unit, Financial Payments & Cash Management Operations, Office of the Chief Financial Officer, Washington, DC 20202.

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

Categories of individuals include employees of the Department, consultants, contractors, grantees, advisory committee members, and other individuals receiving funds from the department for performing services for the Department. Although EDCAPS contains information about institutions associated with individuals, the purpose for which the Department collects and maintains information under this system of records, and its usage of this information, pertains only to individuals protected under the Privacy Act of 1974 (5 U.S.C. 552a).

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records in this system contain the individual's name, address, Social Security number, eligibility codes, detailed and summary obligation data, reports of expenditures, and grant management data, including application and close out information.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

44 U.S.C. 301.

**PURPOSE(S):**

The purpose of EDCAPS is to maintain financial and management records associated with the normal operations of the Department. Records are used for managing grant and contract awards, making payments, accounting for goods and services provided and received, enforcing eligibility requirements, conditions in awards and U.S. law relating to transactions covered by the system, and defending the Department in actions relating to those transactions. EDCAPS consists of four subsystems, as follows:

*RS (Recipient System)*

RS serves as the recipient database for EDCAPS and the central repository of recipients having a relationship with the Department (e.g., receiving grantees.) It maintains core information about a recipient and tracks reference data to support information on recipients (e.g., countries, states, and congressional districts).

*FMSS (Financial Management Software System)*

The purpose of FMSS is to serve as the official general ledger for the Department. It also performs all funds control checks for all EDCAPS obligations, either by the GAPS or by a contractor of the Department. FMSS maintains detailed information about obligations paid to the contractor and maintains general ledger level balance information for obligations paid directly by the Department through GAPS.

*GAPS (Grants Administration and Payment System)*

The purpose of GAPS is to administer the grants award processing from planning through closeout including disbursing funds to grants recipients for certain Department programs. Summary payment data are returned to FMSS for processing. GAPS maintains a record of grant awards by the Department, including management information collected during the award process. Payment information is retrievable in GAPS by Taxpayer Identification Number (TIN). The TIN for an individual is the social security number. The name, mailing address and other characteristic data related to federal grants or institutional loans are also maintained.

*CPSS (Contract and Purchasing Support System)*

The purpose of CPSS is to administer the contracts award process from planning to closeout. CPSS shares information with FMSS. CPSS maintains a record of contact awards by the Department, including management information collected during the award process.

**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 agreement.

(a) *Litigation disclosure.*

(1) *Disclosure to the Department of Justice.* If the Department determines that disclosure of certain records to the Department of Justice is relevant and necessary to litigation and is compatible with the purpose for which the records were collected, the Department may disclose those records as a routine use to the Department of Justice. Such a disclosure may be made in the event that one of the parties listed below is involved in the litigation, or has an interest in such litigation:

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

(ii) Any employee of the Department in his or her official capacity; or

(iii) Any employee of the Department in his or her individual capacity where the Department of Justice has agreed to represent the employee; or

(iv) Any employee of the Department in his or her individual capacity where the agency has agreed to represent the employer; or

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

(2) *Other litigation disclosures.* If the Department determine that disclosure of certain records to a court, adjudicative body before which the Department is authorized to appear, individual or entity designated by the Department or otherwise empowered to resolve disputes, counsel or other representative, or potential witness is relevant and necessary to litigation and is compatible with the purpose for which the records were collected, the Department may disclose those records as a routine use to the court, adjudicative body individual or entity, counsel or other representative, or witness. Such a disclosure may be made in the event that one of the parties listed below is involved in the litigation, or has an interest in the litigation;

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

(ii) Any employee of the Department in his or her official capacity; or

(iii) Any employee of the Department in his or her individual capacity where the Department has agreed to represent the employee; or

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

(b) *FOIA advice of 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 or other authority permitting disclosure of records, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

(c) *Contract disclosure.* The Department may disclose information from this system of records as a routine use to the private firm or contractor with which the Department contemplates it will contract or with which it has contracted for the purpose of performing any functions or analyses that facilitate or are relevant to an investigation, audit, inspection, or other inquiry. Such contract or private firm shall be required to maintain Privacy Act safeguards with respect to such information.

(d) *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 or any

applicable statute, regulation, or order of a competent authority, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether foreign, Federal, State, Tribal, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or executive order or rule, regulation, or order issued pursuant thereto.

(e) *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.

#### DISCLOSURE TO A CONSUMER REPORTING AGENCY:

*Disclosures pursuant to 5 U.S.C. 552(a)(b)(12):* The Department may disclose to a consumer reporting agency information regarding a claim by the Department which is determined to be valid and overdue as follows: (1) The name, address, taxpayer identification number and other information necessary to establish the identity of the individual responsible for the claim; (2) the amount, status, and history of the claim and (3) the program under which the claim arose. The Department may disclose the information specified in this paragraph under 5 U.S.C. 552a(e)(4) and the procedures contained in subsection 31 U.S.C. 3711(f). A consumer reporting agency to which these disclosures may be made is defined at 31 U.S.C. 3701(a)(3).

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

##### STORAGE:

Records are maintained on microfilm, microfiche, disk packs and magnetic tapes and stored in a retrievable file system.

##### RETRIEVABILITY:

Records are indexed by name, or other individual identifier, and TIN. The records are retrieved by a manual or computer search by indices.

##### SAFEGUARDS:

Direct access is restricted to authorized Department staff performing official duties. Authorized staff are assigned passwords which must be used for access to computerized data. Also, an additional password is necessary to gain access to the system. The system-access password is changed frequently.

The data is maintained in a secured-access area.

#### RETENTION AND DISPOSAL:

Files are regularly updated. Records are maintained for ten years. Inactive records are purged from the automated file every five years.

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

The Registry System is managed by the Payment Management Service & Reporting Unit, Financial Payments & Cash Management Operations, Office of the Chief Financial Officer, U.S. Department of Education, Washington, DC 20202.

The Financial Management Software System is managed by the General Ledger Systems Group, Financial Reporting and Systems Operations, Office of the Chief Financial Officer, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202.

The Contracts and Purchasing Support System is managed by the Support Services Group, Contracts and Purchasing Operations, Office of the Chief Financial Officer, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3616, ROB-3, Washington, DC 20202-4651.

The grant application portion of the Grants Administration and Payments System will be managed by the Grants Policy & Oversight Staff, Office of the Chief Financial Officer, U.S. Department of Education, Room 3652, ROB-3, Washington, DC 20202-4651. The GAPS payment process will be managed by Payment Management Service & Reporting Unit, Financial Payments & Cash Management Operations, Office of the Chief Financial Officer, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3332, Washington, DC 20202.

#### NOTIFICATION PROCEDURE:

If an individual wishes to determine whether a record pertaining to him or herself is the system of records, the individual should provide his or her name and Social Security number to the appropriate system manager. Such request must meet the requirements in the regulations at 34 CFR 5b.5.

#### RECORD ACCESS PROCEDURES:

If an individual wishes to gain access to a record in this system, he or she should contact the appropriate system manager and provide information as 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 pertaining to himself or herself that is contained in the system or records, he or she should contact the appropriate system manager with the information described in the notification procedure, identify the specific items requested to be changed, and provide a justification for such change. A request to amend a record must meet the requirements in the regulations at 34 CFR 5b.7.

**RECORD SOURCE CATEGORIES:**

Information in this system will be obtained from applicants applying for a Department contract, grant, or loan at the time of application. Information will also be obtained from Department program offices, employees, consultants, and others performing personnel services for the Department.

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

None.

**18-03-03****SYSTEM NAME:**

Receivables Management System.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATIONS:**

Office of the Chief Financial Officer, Financial Improvement and Receivables Group, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202-4330.

Office of the Chief Information Officer, U.S. Department of Education, Seventh and D Streets, SW., Washington, DC 20202.

Nationwide Credit, Inc., Credit Claims and Collection, 2253 Northwest Parkway, Marietta, GA 30067.

Payco American Corporation, 180 N. Executive Drive, Brookfield, WI 53005-6011.

CSC Credit Services, Inc., 7909 Parkwood Circle, Suite 200, Houston, TX 77036-6565.

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

Individuals covered by the system include: Persons billed by the Department of Education (Department) for materials and services such as Freedom of Information Act requests and computer tapes of statistical data, persons ordered by a court of law to pay restitutions to the Department, individuals who received grants under the Bilingual Education Fellowship Program and who have not provided evidence to the Department of fulfilling

their work requirements as described in the Bilingual Education Fellowship Program Contract, individuals who have received funds through the Rehabilitation Services Administration (RSA) Scholarship program and who have not provided evidence of fulfilling their obligations under that program, current and former Department employees who received overpayments on travel allowances or who received salary overpayments and the overpayments have not been waived by the Department, individuals who were overpaid or inappropriately paid under grant programs administered by the Department other than Title IV of the Higher Education Act of 1965, as amended (HEA) and claims against individuals, including orders by a court or other authority to make restitution for the misuse of Federal funds in connection with any program administered by the Department.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Documents maintained in the system include: activity logs, copies of checks, contracts, court orders, letters of notice, promissory notes, telephone logs, and related correspondence.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Federal Claims Collection Act of 1966; Debt Collection Act of 1982; and the Debt Collection Improvement Act of 1996.

**PURPOSE(S):**

The Receivables Management System is a database system that is kept for servicing general consumer debts owed to the Department and issuing reports of operations and the status of accounts to the U.S. Department of Treasury (Treasury) and the Office of Management and Budget. The receivables are generated from bills to individuals for materials and services from the Department, claims arising from court-ordered restitutions for any program administered by the Department, loans and overpayments to individuals under programs other than the student financial assistance programs authorized under Title IV of the Higher Education Act of 1965, as amended.

Records will be used by debt servicing staff to bill debtors to the Department and collect the debts.

**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. Disclosures under the following routine uses may be made on a case-by-case basis or, in appropriate circumstances under computer matching agreements authorized under the Privacy Act of 1974 (5 U.S.C. 552a). Records may be disclosed for the following debt servicing program purposes:

(a) *Program purposes:* (1) To verify the identity and location of the debtor, disclosures may be made to credit agencies and Federal agencies. (2) To enforce the terms of a loan or where disclosure is required by Federal law, disclosure may be made to credit agencies, educational and financial institutions, and Federal, State, or local agencies.

(b) *Debt servicing.* Records under routine use may be disclosed to the United States Department of the Treasury and privately contracted collection companies for debt servicing.

(c) *Litigation disclosure.* (1) In the event that one of the parties listed below is involved in litigation, or has an interest in litigation, the Department may disclose certain records to the parties described in paragraphs (2), (3) and (4) of this routine use under the conditions specified in those paragraphs:

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

(ii) Any Department employee in his or her official capacity;

(iii) Any employee of the Department in his or her individual capacity where the Department of Justice (DOJ) has agreed to provide or arrange for representation for the employee;

(iv) Any employee of the Department 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.

(2) *Disclosure to the DOJ.* If the Department determines that disclosure of certain records to the DOJ is relevant and necessary to litigation and is compatible with the purpose for which the records were collected, the Department may disclose those records as a routine use to the DOJ.

(3) *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 disputes is relevant and necessary to the

administrative litigation and is compatible with the purpose for which the records were collected, the Department may disclose those records as a routine use to the adjudicative body, individual or entity.

(4) *Opposing counsel, representatives and witnesses.* If the Department determines that disclosure of certain records to an opposing counsel, representative or witness in an administrative proceeding is relevant and necessary to the litigation and is compatible with the purpose for which the records were collected, the Department may disclose those records as a routine use to the counsel, representative or witness.

(5) *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 relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether foreign, Federal, State, Tribal, or local, charged with the responsibility of investigating or prosecuting this violation or charged with enforcing or implementing the statute, or executive order or rule, regulation, or order issued pursuant thereto.

(6) *Contract disclosure.* If the Department contracts with an entity for the purpose of performing any function that requires disclosure of records in this system to employees of the contractor, the Department may disclose the records as a routine use to those employees. Before entering into 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) *Disclosure to the Office of Management and Budget (OMB) for Credit Reform Act (CRA) Support.* The Department may disclose individually identifiable information to OMB as necessary to fulfill CRA requirements.

(8) *Employee grievance, complaint or conduct disclosure.* Records may be disclosed if a record maintained in this system of records is relevant to present or former employee grievance, complaint, discipline or competence determination proceedings of another agency of the Federal Government. In this case, the Department may disclose the record as a routine use in the course of the proceedings if the disclosure is compatible with the purposes for this system of records.

(9) *Labor organization disclosure.* Records under this routine use may be

disclosed whenever a contract between a component of the Department and a labor organization recognized under Title V of the United States Code, Chapter 71, provides that the Department will disclose personal records relevant to the organization's mission. The disclosures will be made only as authorized by law.

(10) *Research disclosure.* Records under this routine use may be disclosed whenever an appropriate official of the Department determines that an individual or organization 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 is required to maintain Privacy Act safeguards with respect to these records.

(11) *Freedom of Information Act (FOIA) Advice Disclosure.* Records under this routine use may be disclosed to the DOJ and the OMB in the event that the Department deems it desirable or necessary in determining whether particular records are required to be disclosed under the FOIA.

(12) *Disclosure to the Department of Justice.* Records may be disclosed under this routine use to the DOJ from this system of records as a routine use to the extent necessary for obtaining DOJ advice on any matter relevant to an audit, inspection, or other inquiry related to the programs covered by this system.

(13) *Congressional member disclosure.* The Department may disclose information from this system of 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 Members' right to the information is no greater than the right of the individual who requested it.

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

**STORAGE:**

Records under this system will be kept on paper files in metal file cabinets and in data files in computers. They are stored in desk top and mainframe computers with records backed up on magnetic media.

**RETRIEVABILITY:**

The data will be retrieved by name, loan or case number, or Social Security number.

**SAFEGUARDS:**

All physical access to the sites of the Department of Education and the contractors where this system of records is maintained, are controlled and monitored by security personnel who check each individual entering the building for an employee's or visitor's badge.

The computer system employed by the Department offers a high degree of resistance to tampering and circumvention. This security system limits data access to Department of Education and contract staff on a "need-to-know" basis, and controls individual users' ability to access and alter records within the system. All users of this system are given a unique user ID. All interactions by individual users with the system are recorded.

At contractor sites, access to all automated data processing facilities are restricted by photo identification, sign-in and out logs, CYPHER locks, or ID card readers. Smoke and fire detection devices are installed and maintained operational on all facilities including tape and disk library areas. Physical security of the building involves restricted access as well as 24-hour security guard at the ground-floor entrance to the building. Access to building is obtained through the use of key entry doors. The system permits entry to an individual only with an access code.

**RETENTION AND DISPOSAL:**

Records are disposed of in accordance with the National Archives and Records Administration's General Records Schedule (GRS) 6, items 1a, 10b, and 10c; and GRS 7.

**SYSTEM MANAGERS AND ADDRESS:**

Director, Financial Improvement and Receivables Group, Office of the Chief Financial Officer, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3117, Washington, DC 20202-4330.

**NOTIFICATION PROCEDURE:**

If an individual wishes to determine whether a record exists regarding him or her in this system of records, the individual should provide the system manager his or her name, Social Security number, case or loan number, or other debt identifying number. Requests for notification about an individual must meet the requirements in the regulations at 34 CFR 5b.5.

**RECORD ACCESS PROCEDURES:**

If an individual wishes to gain access to a record in this system, he or she should contact the system manager and

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

(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.

(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.

(5) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

(6) *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.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Not applicable.

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

**STORAGE:**

These records are maintained in machine-readable media.

**RETRIEVABILITY:**

Records are retrieved by the name of the individual, the date of the request, the control tracking number and the associated principal office.

**SAFEGUARDS:**

Access to the tracking system requires a user-ID and is strictly limited to authorized individuals.

**RETENTION AND DISPOSAL:**

Information in the system is erased after 2 years.

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

Freedom of Information Officer and Privacy Act Officer, Information Management Group, Office of the Chief Information Officer, 400 Maryland Avenue, SW., Room 5624, ROB-3, Washington, DC 20202-2651. See the Appendix at the end of this notice for a list of FOIA Coordinators.

**NOTIFICATION PROCEDURE:**

If you wish to inquire whether a record exists regarding you in this system, you should contact the appropriate system manager. Inquiries must provide your name, date of the request, name of organization, and subject matter. Your request must meet the requirements of the Department's Privacy Act regulations at 34 CFR 5b.5.

**RECORD ACCESS PROCEDURES:**

The Department systems of records that are exempt from certain Privacy Act requirements may be included in this system as part of a FOIA/PA case record. Such material retains its exemption if it is included in this system of records. The section of this notice titled, "Systems Exempted from Certain Provisions of the Act," explains the exemptions for this system. Individuals wishing to request access to their records should contact the system manager at the appropriate office or region where their original Privacy Act and/or Freedom of Information Act request was sent or from which they received responses to such requests. Individuals requesting access must comply with the Department's Privacy Act regulations regarding verification of identity and access to records 34 CFR 5b.5.

**CONTESTING RECORD PROCEDURES:**

The Department systems of records that are exempt from certain Privacy Act requirements may be included in this system as part of a FOIA/PA case record. Such material retains its exemption if it is included in this system of records. The section of this notice titled, "Systems Exempted from Certain Provisions of the Act," explains the exemptions for this system. Individuals wishing to request amendment to their records should contact the system manager at the appropriate office or region where their original Freedom of Information and/or

Privacy Act requests were sent or from which they received responses to such requests. Individuals must furnish the following information for their records to be located and identified:

**RECORD SOURCE CATEGORIES:**

Information in this system of records is obtained from the individual to whom the information applies, officials of the Department, official Department documents.

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

The Department has claimed exemptions for several of its other systems of records under 5 U.S.C. 552a(k) (1), (2), (3), (4), (5), (6), and (7). During the course of a FOIA/PA action, exempt materials from those other systems may become part of the case records in this system. To the extent that copies of exempt records from those other systems are entered into these FOIA/PA case records, the office has claimed the same exemptions for the records as they have in the original primary systems of records of which they are a part.

**Appendix to 18-04-02**

*FOIA Coordinators*

Office of the Secretary, U.S. Department of Education, 400 Maryland Avenue, SW., 400 Maryland Avenue, SW., Room 7C122, FOB-6, Washington, DC 20202.

Office of the Chief Financial Officer, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4E223, Washington, DC 20202.

Office of Educational Research and Improvement, 555 New Jersey Avenue, NW., Room 602E, Capitol Place, Washington, DC 20208.

Office of Special Education and Rehabilitative Services, U.S. Department of Education, 330 C Street, SW., Room 3613, Switzer Building, Washington, DC 20202.

Office of Vocational and Adult Education, U.S. Department of Education, 330 C Street, SW., Room 4064, Switzer Building, Washington, DC 20202.

Office of the General Counsel, U.S. Department of Education, 400 Maryland Avenue, SW., Room 6C142, FOB-6, Washington, DC 20202.

Office of Management, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2W211, FOB-6, Washington, DC 20202.

Office of Special Education and Rehabilitative Services, U.S. Department of Education, 330 C Street, SW., Room 3112, Switzer Building, Washington, DC 20202.

Office of Inspector General, U.S. Department of Education, 330 C Street, SW., Room 4200, Switzer Building, Washington, DC 20202.



Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3W341, FOB-6, Washington, DC 20202.

Office of Public Affairs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 7E201, FOB-6, Washington, DC 20202.

Office of Student Financial Assistance Programs, U.S. Department of Education, Seventh and D Streets, SW., Room 4913, ROB-3, Washington, DC 20202.

Office for Civil Rights, U.S. Department of Education, 330 C Street, SW., Room 5424, Switzer Building, Washington, DC 20202.

Office of Bilingual Education and Minority Affairs, U.S. Department of Education, 330 C Street, SW., Room 5616, Switzer Building, Washington, DC 20202.

Office of Educational Research and Improvement, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4W332, FOB-6, Washington, DC 20202.

*Regional FOIA Review Officers*

Region I: Deputy Regional Director, OCR, John W. McCormack P.O. and Courthouse, Room 540, Post Office Square, Boston, MA 02105-4557.

Region II: Regional Director, OCR, 75 Park Place, 12th Floor, New York NY 10278-0043.

Region III: Assistant to the Secretary's Regional Representative, 3535 Market Street, Room 16350, Philadelphia 19104-3398.

Region IV: Regional Director, OCR, 61 Forsyth Street, SW, Suite 19T40, Atlanta, GA 30303.

Region V: Education Program Specialist, Division of Dissemination, OSFAP, 111 N. Canal Street, Suite 1094, Chicago, IL 60606.

Region VI: Education Program Specialist, 1200 Main Tower Building, #2260, Dallas, TX 75202-4309.

Region VII: Education Program Specialist, OSFAP, 10220 N. Executive Hills Blvd., 8th Floor, Kansas City, MO 64153-1367.

Region VIII: Public Information Specialist, Federal Office Building, 1244 Speer Blvd., Room 300, Denver, CO 80204-3582.

Region IX: Education Program Specialist, OSFAP, 50 United Nations Plaza, San Francisco, CA 94102

Region X: Education Program Specialist, OSFAP, Room 3362, Mail Code 10-9060, 915 2nd Avenue, Seattle, WA 98174-1099.

Metro Region: Program Specialist, Office for Civil Rights, U.S. Department of Education, 1100 Pennsylvania Avenue, NW, Washington, DC 20044.

18-04-02

**SYSTEM NAME:**

Freedom of Information Act and Privacy Act Tracking System.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Office of the Chief Information Officer, Information Management Group, U.S. Department of Education, 400 Maryland Avenue, SW, Room 5624, ROB-3, Washington, DC 20202-4651. See the Appendix at the end of this system notice for additional system locations.

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

This system contains records and related correspondence on individuals who have submitted: Requests for information under the provisions of the Freedom of Information Act (5 U.S.C. 552), including requests for review of initial denials. Requests under the provisions of the Privacy Act (5 U.S.C. 552a) for records about themselves, including: Requests for notification of the existence of records about them. Requests for access to these records. Requests for amendment of these records. Requests for review of initial denials of such requests for notification, access, and amendment. Requests for an accounting of disclosure of records about them.

**Note:** Since these FOIA/PA case records contain inquiries and requests regarding any of the Department's other systems of records subject to the Privacy Act, information about individuals from any of these other systems may become part of this Freedom of Information Act and Privacy Act System.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system contains correspondence and other documents related to requests by individuals to the Department for: Information under the provisions of the Privacy Act (5 U.S.C. 552), including requests for review of initial denials of such requests. Information under the provisions of the Privacy Act (5 U.S.C. 552a) and requests for review of initial denials of such requests made under the Department's Privacy Act regulations, including requests for: Notification of the existence of records about them. Access to records about them. Amendment of records about them. Review of initial denials of such requests for notification, access, or amendment. Requests for an accounting of disclosure of records about them.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Includes the following with any revisions or amendments: The Freedom of Information Act (5 U.S.C. 552), the Privacy Act of 1974 (5 U.S.C. 552a), and the Department's Public Information Regulation (34 CFR part 5).

**PURPOSE(S):**

These records are maintained to process an individual's request made

under the provisions of the Freedom of Information and Privacy Acts. The records are also used by the Department to prepare its reports to OMB and Congress required by the Freedom of Information and Privacy Acts.

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

Information will be released for the purposes cited in Appendix B of the Department's Privacy Act regulations (34 CFR part 5b). Disclosure may be made to a Congressional office from the record of an individual in response to an Inquiry from the Congressional office made at the request of that individual. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to affect directly the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Department of Justice has agreed to represent such employee. The Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Not Applicable.

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

These records are maintained on machine-readable media and/or as paper copies in file folders or binders.

**RETRIEVABILITY:**

For the most part, records are retrieved by the name of the individual on whom they are maintained, the year of the request, and the control tracking number. Records are available to FOIA staff involved in correspondence and investigative processes, including appeals officials and staff members of the OGC.

**SAFEGUARDS:**

Records are maintained in Conserva-File cabinets in the Office of the Department's FOIA Officer and the Privacy Act Officer, and in the offices of Department personnel whose duties require access. Access to the FOIAS System, and to the associated paper

records is strictly limited to these individuals.

**RETENTION AND DISPOSAL:**

These records will be disposed of 5 years after the date of final Department action on the case. Records are destroyed by shredding, burning magnetic erasure, or the equivalent.

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

Freedom of Information Officer and Privacy Act Officer, Room 5624, ROB-3, 400 Maryland Avenue, SW., Washington, DC 20202, are responsible for Departmental records, including both FOIAS and paper records. The appropriate Assistant Secretary, the General Counsel, the Office of the Inspector General, and the Secretary's Regional Representatives are the system managers for the Freedom of Information and Privacy Act records maintained in their offices.

**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 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:**

Information in this system of records is obtained from  
—The individual to whom the information applies. Officials of the Department. Official Department documents.

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

The Department has claimed exemptions for several of its other systems of records under 5 U.S.C. 552a(k) (1), (2), (3), (4), (5), (6), and (7). During the course of a FOIA/PA action, exempt materials from those other systems may become a part of the case records in this system. To the extent that copies of exempt records from those other systems are entered into these FOIA/PA case records, the office has

claimed the same exemptions for the records as they have in the original primary systems of records of which they are a part.

**Appendix to 18-04-02**

*Additional System Locations and System Managers*

Region I: Deputy Regional Director, OCR, John W. McCormack PO and Courthouse, Room 540, Post Office Square, Boston, MA 02105-4557.

Region II: Regional Director, OCR, 75 Park Place, 12th Floor, New York NY 10278-0043.

Region III: Assistant to the Secretary's Regional Representative, 3535 Market Street, Room 16350, Philadelphia 19104-3398.

Region IV: Regional Director, OCR, 61 Forsyth Street, SW., Suite 19T40, Atlanta, GA 30303.

Region V: Education Program Specialist, Division of Dissemination, OSFAP, 111 N. Canal Street, Suite 1094, Chicago, IL 60606.

Region VI: Education Program Specialist, 1200 Main Tower Building, #2260, Dallas, TX 75202-4309.

Region VII: Education Program Specialist, OSFAP, 10220 N. Executive Hills Blvd., 8th Floor, Kansas City, MO 64153-1367.

Region VIII: Public Information Specialist, Federal Office Building, 1244 Speer Blvd., Room 300, Denver, CO 80204-3582.

Region IX: Education Program Specialist, OSFAP, 50 United Nations Plaza, San Francisco, CA 94102.

Region X: Education Program Specialist, OSFAP, Room 3362, Mail Code 10-9060, 915 2nd Avenue, Seattle, WA 98174-1099.

Metro Region: Program Specialist, Office for Civil Rights, U.S. Department of Education, 1100 Pennsylvania Avenue, NW, Washington, DC 20044.

**18-05-01**

**SYSTEM NAME:**

Departmental Parking Control Policy.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

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

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

All Department employees and non-Department carpool members utilizing parking facilities.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system includes the following information on all persons applying for a parking permit: Name, office room number, office phone number, agency,

home address, and automobile license number.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**  
63 Stat. 377;41 CFR 101-20.111.

**PURPOSE(S):**

The information contained in this system is used to: (1) Provide standards for apportionment and assignment of parking spaces on Department-managed and Department-controlled property and on property assigned to the Department by the General Services Administration or any other Agency, and (2) allocate and check parking spaces assigned to government vehicles, visitors, handicapped personnel, executive personnel, carpool and van pools and others.

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

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) *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) *Litigation and Alternative Dispute Resolution (ADR) Disclosure.*

(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.

(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

Employment Opportunity Commission for the purpose of carrying out their functions.

(2) *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.

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

(a) *Introduction.* In the event of litigation where 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, 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; or

(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 directly 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) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

**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 file folders and binders inside a file room centrally situated within the EEOG office.

**RETRIEVABILITY:**

The records are indexed by formal complaint case numbers, and cross-referenced by a separate log identifying the names of the individuals or class agents on whom they are maintained.

**SAFEGUARDS:**

Access to and use of these records are limited to those persons whose official duties require access. Physical security of the file room and entire office area involves lockable entry doors with off-the-master keys.

**RETENTION AND DISPOSAL:**

The complaint cases of discrimination may be retired to the Federal Records Center three years after their final disposition through the administrative (and judicial, as applicable) processes.

**SYSTEM MANAGERS AND ADDRESS:**

Director, Equal Employment Opportunity Group, Office of Management, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202-4550.

**NOTIFICATION PROCEDURE:**

If you wish to determine if a record exists regarding you in this system of records, contact the system manager at the address listed above. You should include your name, date of birth, Departmental principal office in which the situation arose, the approximate date, and the type of action taken. 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 records regarding you in this system of records, follow the procedures described above under Notification Procedure. You should also reasonably specify the record contents being sought. 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 information contained in this system of records, you

should contact the system manager at the address listed above. You should reasonably identify the record and specify the information to be contested. Your request should satisfy the requirements of the regulations at 34 CFR 5b.7.

**RECORD SOURCE CATEGORIES:**

Information in this system is obtained from individuals to whom the record pertains, Department officials or other officials, statements from employees or other witnesses, official documents pertinent to the complaint and correspondence from specific organizations or persons.

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

None.

**18-05-05**

**SYSTEM NAME:**

Grievances Filed Formally Under the Administrative Grievance Procedure.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Human Resources Group, Office of Management, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2E200, Washington, DC 20202. See the Appendix at the end of this system notice for additional locations.

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

This system contains records on non-bargaining unit employees of the Department regardless of type of appointment, who individually or as a group, request personal relief in a matter of concern or dissatisfaction which is subject to the control of Department management. This includes former employees of the Department for whom a remedy can be provided as well as applicants.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information or documents relating to the grievance and personal relief sought, materials used in consideration of the grievance, and correspondence related to disposition of the grievance, including but not limited to the formal grievance, fact finder's report, final decision, and all other related documents.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 1302.

**PURPOSE(S):**

The information contained in this system is to consider and settle matters of dissatisfaction or concern of covered individuals.

**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 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.

(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.

(c) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

(4) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies and Professional Organizations.* The Department may disclose a record to a Federal, State, local, or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, 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, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(5) *Employee Grievance, Complaint or Conduct Disclosure.* The Department may disclose a record in this system of records to another agency of the Federal Government if the record is relevant to

one of the following proceedings regarding a present or former employee of the Department: Complaint, grievance, discipline or competence determination proceedings. The disclosure may only be made during the course of the proceeding.

(6) *Labor Organization Disclosure.* A component of the Department may disclose records to a labor organization if a contract between the component and a labor organization recognized under Title V of the United States Code, Chapter 71, provides that the Department will disclose personal records relevant to the organization's mission. The disclosures will be made only as authorized by law.

(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) *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 an audit, inspection, or other inquiry related to the programs covered by this system.

(9) *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.

(10) *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.

(11) *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.

(12) *Disclosure to the Office of Management and Budget (OMB) for Credit Reform Act (CRA) Support.* The Department may disclose records to OMB as necessary to fulfill CRA requirements.

**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:**

Records are maintained in hard copy stored in file folders, on computers and in handwritten logs for Human Resources. Summary data of records are also maintained in a computerized tracking system.

**RETRIEVABILITY:**

Records are indexed alphabetically by organization and year.

**SAFEGUARDS:**

Access to and use of these records are limited to those persons with a "need-to-know" and whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Computers are password protected for individuals with access. All data bases are designed with stringent security measures to control individual users' ability to access and alter records within the system.

**RETENTION AND DISPOSAL:**

Records are retained for three (3) years after the grievance case is closed, and are then destroyed, as set forth in the General Records Schedule 1, Civilian Personnel Records, Item 30(a).

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

Director, Labor Relations Group, Office of Management, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2W300, Washington, DC 20202. See the Appendix at the end of this system notice for additional system managers.

**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 records regarding you in this system of records,

contact the system manager at the address listed above and follow the steps outlined in the Notification Procedure. 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 in this system of records, contact the system manager at the address listed above. Your request must meet the requirements of the regulations at 34 CFR 5b.7, including proof of identity.

**RECORD SOURCE CATEGORIES:**

Information in this system of records is supplied from the following sources: Directly by the individual filing the grievance, from information supplied by the individual, by testimony of witnesses, employee representatives, Department employees or officials.

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

None.

**Appendix to 18-05-05**

*Additional System Locations and System Managers*

Director, Human Resources Group, Office of Management, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202.

Employee Relations Team, Office of Management, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2E233, Washington, DC 20202-4737.

U.S. Department of Education, Regional Personnel Office O'Neill Federal Building, 10 Causeway Street, Room 1095 Boston, MA 02222.

U.S. Department of Education, Regional Personnel Office 75 Park Place, 12th Floor, New York, NY 10007.

U.S. Department of Education, Regional Personnel Office 3535 Market Street, Room 16300, Philadelphia, PA 19104.

U.S. Department of Education, Regional Personnel Office 61 Forsyth Street, SW, Suite 18T55, Atlanta, GA 30303.

U.S. Department of Education, Regional Personnel Office 111 N. Canal Street, Room 1084, Chicago, IL 60606.

U.S. Department of Education, Regional Personnel Office 1999 Bryan Street, Suite 2710, Dallas, TX 75201-6817.

U.S. Department of Education, Regional Personnel Office 10220 North Executive Hills Boulevard, 9th Floor, Kansas City, MO 64153.

U.S. Department of Education, Regional Personnel Office 1244 Speer Boulevard, Room 353, Denver, CO 80204-3582.

U.S. Department of Education, Regional Personnel Office 50 United Nations Plaza, Room 207, San Francisco, CA 94102-4987.

U.S. Department of Education, Regional Personnel Office 915 Second Avenue, Room 3388, Seattle, WA 98174-1099.

**18-05-06**

**SYSTEM NAME:**

Grievance Records Filed under Procedures Established By Labor-Management Negotiations.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Labor Relations Group, Office of Management, U.S. Department of Education, 400 Maryland Ave., SW., Room 2C136, Washington, DC 20202-4754.

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

This system contains records on present and past bargaining unit employees of the Department covered by the Collective Bargaining Agreement between the Department and American Federation of Government Employees Council 252.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system of records consists of a variety of records relating to an employee's grievance filed under procedures established by labor-management negotiations including employee's name, Social Security number, grade, job title, testimony of witnesses, material placed into the record to support the decision, the arbitrator's decision, the arbitrator's report, and a record of an appeal to the Federal Labor Relations Authority.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 7101.

**PURPOSE(S):**

The information in this system is used to make determinations and to document a decision made on a grievance filed by an employee under the negotiated grievance procedures. Information from this system may be used by Department officials for preparing statistical summary or management reports.

**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) *Agency Disclosure.* The Department may disclose information from this system to the Office of Personnel Management, Merit Systems Protection Board (including its Office of Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Systems Impasses Panel) to facilitate their administrative or enforcement functions.

(2) *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.

(3) *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.

(4) *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.

(5) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies and Professional Organizations.* The Department may disclose a record to a Federal, State, local, or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, 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, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(6) *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.

(7) *Disclosure to the Office of Management and Budget (OMB) for Credit Reform Act (CRA) Support.* The Department may disclose records to OMB as necessary to fulfill CRA requirements.

(8) *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;
- (vi) The arbitrator that the Department and AFGE Council 252 contracts to hear arbitration hearings as the result of invocation of arbitration under the collective bargaining agreement between them.

(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) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

#### 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:

Records are maintained in hard copy and a list of individual names is maintained in electronic media.

##### RETRIEVABILITY:

Records are retrievable by file number which are cross-referenced by individual names.

##### SAFEGUARDS:

When not in use by authorized persons, these records are stored in metal file cabinets stored within the secured suite of the Labor Relations Group. Access to and use of these records are limited to personnel who have a need for the records in the performance of their duties.

##### RETENTION AND DISPOSAL:

Records are destroyed 5 years after final resolution of case.

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

Director, Labor Relations Group, Office of Management, U.S. Department of Education, 400 Maryland Ave., SW., Room 2C136, Washington, DC 20202-4754.

##### NOTIFICATION PROCEDURE:

If you wish to determine whether a record exists regarding you in the system of records, provide the system manager with your name, approximate date of grievance, and management



component and/or individual against whom the grievance was filed. 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 in this system, contact the system manager at the above address. Your request must meet the requirements of the at 34 CFR 5b.5, including proof of identity.

**CONTESTING RECORD PROCEDURES:**

If you wish to contest the content of records regarding you in this system, contact the system manager at the above address and reasonably identify the record and specify the information contested. Your request must meet the requirements of the regulations at 34 CFR 5b.7.

**RECORD SOURCE CATEGORIES:**

Information in this system of records is obtained directly from information supplied by the individual; testimony of witnesses, union officials, or by Department officials.

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

None.

18-05-07

**SYSTEM NAME:**

Unfair Labor Practice Records.

**SYSTEM CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Labor Relations Group, Office of Management, U.S. Department of Education, 400 Maryland Ave., SW., Room 2C136, Washington, DC 20202-4754.

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

This system contains records on present and past Department employees and union officials.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system of records consists of a variety of records relating to an unfair labor practice charge including the employee's name, Social Security number, grade, job title, employment history and a variety of work and personnel records associated with the charges and required under proceedings established by 5 U.S.C. 7101 and Department of Labor Regulations.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 7101.

**PURPOSES:**

The information in this system is used in the processing, investigation and litigation of unfair labor practice charges that may be filed by the AFGE Council 252, any of the AFGE Local offices located at Department Headquarters and each of 10 regional offices and by bargaining unit employees of the Department.

**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) *Agency Disclosure.* The Department may disclose information from this system to the Office of Personnel Management, Merit Systems Protection Board (including its Office of Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Systems Impasses Panel) to facilitate their administrative or enforcement functions.

(2) *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.

(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;

(vi) The arbitrator that the Department and AFGE Council 252 contracts to hear arbitration hearings as the result of invocation of arbitration under the collective bargaining agreement between them.

(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) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

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

**STORAGE:**

Records are maintained in hard copy and a list of individual names are kept on electronic media.

**RETRIEVABILITY:**

Records are retrievable by file number which are cross-referenced by individual names.

**SAFEGUARDS:**

When not in use by authorized persons, these records are stored in metal file cabinets stored within the secured suite of the Labor Relations Group. Access to and use of these records are limited to personnel who have a need for the records in the performance of official duties.

**RETENTION AND DISPOSAL:**

According to the Records Retention Schedule of the NARA, records are maintained for 5 years.

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

Director, Labor Relations Group, U.S. Department of Education, 400 Maryland Ave., SW., Room 2C136, Washington, DC 20202-4754.

**NOTIFICATION PROCEDURE:**

If you wish to determine whether a record exists regarding you in the system of records, provide the system manager with your name, approximate date of record, the unfair labor practice charges as specified by the complainant, and management component against which the charge was filed. 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 in this system, contact the system manager at the above address. 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 records regarding you in this system, contact the system manager at the above address and reasonably identify the record and specify the information contested. Your request must meet the requirements of the regulations at 34 CFR 5b.7.

**RECORD SOURCE CATEGORIES:**

Information in this system of records is:

- (1) Supplied directly by the individual; or
- (2) Derived from information supplied by the individual; or
- (3) Supplied by testimony of witnesses; or
- (4) Supplied by Department officials.

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

None.

18-05-08

**SYSTEM NAME:**

Official Time Records of Union Officials and Bargaining Unit Employees at the Department of Education.

**SYSTEM CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Labor Relations Group, Office of Management, U.S. Department of

Education, 400 Maryland Avenue, SW., Washington, DC 20202-4754. See the Appendix at the end of this system notice for additional system locations.

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

This system contains records on current and former Department professional and nonprofessional employees who are non-temporary, non-schedule C, non-supervisory and non-managerial employees and union officials who report use of official time as defined under the Federal Service Labor-Management Relations Statute, 5 U.S.C. 7101.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system of records consists of the individual employees' Department Flexible Schedule Certification Form and the electronic transcript of the number of hours attributable for each pay period into an active accounting of total hours used by each individual employee to be reported to authorized Executive Branch agencies and to the Congress as requested.

**AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:**

Federal Service Labor Management Relations Statute (FSLMRS), 5 U.S.C. 7101.

**PURPOSES:**

The information contained in this system is used to determine compliance with the collective bargaining agreement between the U.S. Department of Education and the American Federation of Government Employees' Council of Education Locals, No. 252 under the FSLMRS and to produce reports as may be required by the Congress.

**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) *Agency Disclosure.* The Department may disclose information from this system to the Office of Personnel Management, Merit Systems Protection Board (including its Office of Special Counsel), Equal Employment

Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Systems Impasses Panel) to facilitate their administrative or enforcement functions.

(2) *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.

(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;
- (vi) The arbitrator that the Department and AFGE Council 252 contracts to hear arbitration hearings as the result of invocation of arbitration under the collective bargaining agreement between them.

(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) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department

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 may disclose those records as a routine use to the party, counsel, representative or witness.

(4) *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.

**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 SYSTEMS:**

**STORAGE:**

Records are maintained in hard copy and electronic media after transcription from hard copy.

**RETRIEVABILITY:**

Records are retrievable by name.

**SAFEGUARDS:**

Records are stored in electronic databases stored in secured rooms with access limited to those whose official duties require access.

**RETENTION AND DISPOSAL:**

According to the National Archives and Records Administration's General Records Schedules, records are maintained for 5 years.

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

Director, Labor Relations Group, Office of Management, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2C136, Washington, DC 20202-4754.

**NOTIFICATION PROCEDURE:**

If you wish to determine whether a record exists regarding you in the system of records, provide the system manager with your name, approximate date of grievance, and management component or individual or both against whom the grievance was filed. 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 in this system, contact the system manager at the above address. 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 records regarding you in this system, contact the system manager at the above address and reasonably identify the record and specify the information contested. Your request must meet the requirements of the regulations at 34 CFR 5b.7.

**RECORD SOURCE CATEGORIES:**

Information in this system of records is:

- (1) Supplied directly by the individual, or
- (2) Supplied by union officials, or
- (3) Supplied by Department officials.

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

None.

**Appendix to 18-05-08**

*Additional system Locations*

Employee Relations Team, Office of Management, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2E233, Washington, DC 20202-4737.

Informal Dispute Resolution Center, Office of Hearings and Appeals, U.S. Department of Education, L'Enfant Plaza, Room 2100A, Washington, DC 20202.

Regional Personnel Office, U.S. Department of Education, O'Neill Federal Building, 10 Causeway Street, Room 1095, Boston, MA 02222.

Regional Personnel Office, U.S. Department of Education, 75 Park Place, 12th Floor, New York, NY 10007.

Regional Personnel Office, U.S. Department of Education, Wanamaker Building, 100 Penn Square East, Suite 503, Philadelphia, PA 10107.

Regional Personnel Office, U.S. Department of Education, 61 Forsyth Street, SW, Suite 8T55, Atlanta, GA 30303.

Regional Personnel Office, U.S. Department of Education, 111 N. Canal Street, Room 1084, Chicago, IL 60606.

Regional Personnel Office, U.S. Department of Education, 1999 Bryan Street, Suite 2710, Dallas, TX 75201-6817.

Regional Personnel Office, U.S. Department of Education, 10220 North Executive Hills Boulevard, 9th Floor, Kansas City, MO 64153.

Regional Personnel Office, U.S. Department of Education, 1244 Speer Boulevard, Room 353, Denver, CO 80204-3582.

Regional Personnel Office, U.S. Department of Education, 50 United Nations Plaza, Room 207, San Francisco, CA 94102-4987.

Regional Personnel Office, U.S. Department of Education, 915 Second Avenue, Room 3388, Seattle, WA 98174-1099.

**18-05-09**

**SYSTEM NAME:**

Voluntary Leave Transfer (VLT) Program.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

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

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

This system contains records on Department of Education employees seeking voluntary donations of annual leave from other federal employees in order to cover leave shortfalls brought about by documented medical emergencies.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system consists of written applications of employees seeking assistance from the program, medical statements certifying need, agency approvals or denials, leave donation records, leave transfer records, supervisor/timekeeper approvals, payroll notification records, leave program termination records, and other related documents. Most of these records contain individual Social Security numbers.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Pub. L. 100-566; 5 CFR 630.913.1.

**PURPOSE(S):**

The information contained in this system is used for the purposes of determining program eligibility and for documenting voluntary transfers of leave to program recipients.

**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) *Program Disclosures.* The Department may disclose records to (1) the Office for Personnel Management in order to respond to requests for information or other official inquiries;

and (2) the staff of the Department of Interior responsible for preparation of payroll documents,

(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

(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) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

(3) *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.

(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) *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.

(6) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to the Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies and Professional Organizations.* The Department may disclose a record to a Federal, State, local, or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, 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, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(7) *Labor Organization Disclosure.* A component of the Department may disclose records to a labor organization if a contract between the component and a labor organization recognized under Title V of the United States Code, Chapter 71, provides that the Department will disclose personal records relevant to the organization's mission. The disclosures will be made only as authorized by law.

(8) *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.

(9) *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.

**DISCLOSURE TO CONSUMER PROTECTION AGENCIES:**

Not applicable to this system of records.

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

**STORAGE:**

Records are stored in file folders in a manual filing system.

**RETRIEVABILITY:**

Records are retrievable by name of program recipient.

**SAFEGUARDS:**

Access to and use of these records are limited to personnel whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**RETENTION AND DISPOSAL:**

Records are retained for one year after the end of the year in which the file is closed and are then destroyed.

**SYSTEM MANAGER AND ADDRESS:**

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

**NOTIFICATION PROCEDURE:**

If you wish to determine whether a record exists regarding you in the system of records, provide the system manager with your name, approximate date of grievance, and management component and/or individual against whom the grievance was filed. 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 in this system, contact the system

manager at the above address. 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 records regarding you in this system, contact the system manager at the above address and reasonably identify the record and specify the information contested. Your request must meet the requirements of the regulations at 34 CFR 5b.7.

**RECORD SOURCE CATEGORIES:**

Information in this system of records is provided by the individual to whom it applies, is derived from information he or she supplied or is obtained from information supplied by others.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THIS ACT:**

None.

**18-05-10**

**SYSTEM NAME:**

General Performance Appraisal System (GPAS).

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Human Resources Group, Office of Management, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2E300, Washington, DC 20202-4737. See the Appendix at the end of this system notice for additional system locations.

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

The U.S. Department of Education (Department), General Performance Appraisal System (GPAS) contains the performance appraisal of all Department employees in General Schedule (GS), General Merit (GM), Administratively Determined (AD), and prevailing rate plans.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The Department GPAS software holds two categories of data on employees participating in Department's performance appraisal process. These records include:

(1) Personnel data, such as name, social security number, organizational entity, supervisor, position title, series and grade; and

(2) Performance appraisal data: GPAS Employee Performance Agreement, evaluation standards, list of evaluators, scores and comments.

Hard copies of an employee's GPAS Employee Performance Agreement,

Rating of Record, and any required comments are maintained in an Employee Performance File (EPF). These files are located in cabinets in a locked secure room with Department employees' Official Personnel Folders.

Hard copies of the "Summary Evaluation and Comments Reports", are generated by the GPAS System/Group Administrator. These reports are treated with utmost confidentiality. They are provided to the employee's supervisor and shared with the employee, approving official and with other appropriate management employees on a "need-to-know" basis. The GPAS System/Group Administrator retains a hard copy of the Summary and Comments Reports for each employee for one year.

The GPAS System/Group Administrator maintains hard copies of the feedback and comments reports for one year.

Hard copies of the GPAS Employee Performance Agreement, Rating of Record, and any required comments are maintained in the employee's Employee Performance File for four years.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 43; Title 5, Code of Federal Regulations (CFR), part 430, Performance Management, subparts A and B.

**PURPOSE(S):**

The information in this system is used to generate feedback reports on employees which are taken into consideration when the employee's supervisor provides the summary rating incorporated in the "Rating of Record," which is the official rating document placed in an employee's Employee Performance File (EPF).

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

The 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 purpose 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) *Employment-Related Disclosures.* The Department may disclose records to Department supervisors and other management personnel on a "need-to-know" basis. The records may be used as a basis for, or in conjunction with,

Reduction-in-Force, performance-based actions, within-grade actions, adverse actions, decisions regarding retention of employees during probationary period, recognition, promotions, reassignments and other appropriate personnel actions. When the Official Personnel Folder (OPF) and EPF of a GPAS employee are sent to another agency or to the National Personnel Records Center, the Servicing Personnel Office shall include all Ratings of Record that are four years old or less, any required comments, and the associated GPAS Employee Performance Agreements in the EPF.

(2) *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 prosecute responsibility within the receiving entity's jurisdiction.

(3) *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.

(4) *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) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

(5) *Employment, Benefit, and Contracting Disclosure.*

(a) *Decisions by the Department.* The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *Decisions by Other Public Agencies and Professional Organizations.* The Department may disclose a record to a Federal, State, local, or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, 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, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(6) *Employee Grievance, Complaint or Conduct Disclosure.* The Department may disclose a record in this system of records to an arbitrator or another agency of the Federal Government if the record is relevant to one of the following proceedings regarding a present or

former employee of the Department: complaint, grievance, discipline or competence determination proceedings. The disclosure may only be made during the course of the proceeding.

(7) *Labor Organization Disclosure.* A component of the Department may disclose records to a labor organization if a contract between the component and a labor organization recognized under Title V of the United States Code, Chapter 71, provides that the Department will disclose personal records relevant to the organization's mission. The disclosures will be made only as authorized by law.

(8) *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.

(9) *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 an audit, inspection, or other inquiry related to the programs covered by this system.

(10) *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.

(11) *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.

(12) *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.

(13) *Disclosure to the Office of Management and Budget (OMB) for Credit Reform Act (CRA) Support.* The Department may disclose records to OMB as necessary to fulfill CRA requirements.

#### DISCLOSURES 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 Department GPAS electronic records reside on a single dedicated computer that is housed in a secure area. The GPAS System Administrator retains for one year a hard copy of each employee's "Summary Appraisal Report," "Summary Evaluation Report," and any Comments Reports. These are housed in locked file cabinets in the GPAS unit at the Department. Hard copies of Ratings of Records, GPAS Employee Performance Agreements and any related required comments are stored in an employee's EPF in a locked room.

##### RETRIEVABILITY:

The GPAS records may be retrieved by an employee's name or social security number.

##### SAFEGUARDS:

All physical records are maintained in locked file cabinets. Employees have access to the GPAS software at their workstations, controlled by passwords that the employees designate. If individuals walk into employees' work area while employees are using the GPAS software, the software includes a Hide key so that the evaluations will not be compromised. System and group administrators maintain the GPAS software. These individuals are the only individuals who have access to the entire database. They do not have employees' passwords, but have the ability to change the passwords upon request.

The database is protected by stringent security mechanisms that include a combination of hardware, operating system, application software, database software, and procedures. All physical access to the Department site, and the sites of Department contractors where this system of records are 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:**

An employee's records remain in the GPAS database until employment with the Department is terminated. Some data is housed temporarily in the GPAS database during each of the Department's annual and midpoint reviews or surveys during which new data is entered directly into the GPAS system by the employee and their evaluation team members and accumulates over the course of the review process. An employee's GPAS Employee Performance Agreement, which identifies their performance elements and standards, and the "Rating of Record," Department's official performance review document, are kept in the employee's EPF for four years. If the employee leaves the Department prior to the end of the 4 years, the GPAS records are forwarded to either the National Personnel Records Center or the agency to which the employee transferred.

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

Director, Human Resources Group, Office of Management, U.S. Department of Education, 400 Maryland Avenue, SW., FB-6, Room 2E300, Washington, DC 20202-4737. See the Appendix at the end of this system notice for additional system managers.

**NOTIFICATION PROCEDURE:**

If an employee wishes to determine whether a record exists regarding them in the system of records, the employee should provide the system manager with his name (including all names used) and social security number. The request must meet the requirements of the regulations at Title 5, Code of Federal Regulations, part 34 § 5b.5, including proof of identity. The employee may present a request in person at any of the locations identified for this system of records or address it to the appropriate system manager.

**RECORD ACCESS PROCEDURES:**

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

**CONTESTING RECORD PROCEDURES:**

If you wish to contest the content of a record, you should contact the system manager at the above address. Your request must meet the regulations at 34 CFR 5b.7.

**RECORD SOURCE CATEGORIES:**

The information in this system comes from the Department's integrated personnel/payroll system, the

employees, supervisors, and evaluation team members.

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

None.

**Appendix to 18-05-10***Additional System Locations and System Managers*

Regional Personnel Officer, Human Resources Group, U.S. Department of Education, 61 Forsyth Street, SW., Suite 18T55, Atlanta, GA 30303.

Regional Personnel Officer, Human Resources Group, U.S. Department of Education, 111 N. Canal Street, Room 1084, Chicago, IL 60606.

Regional Personnel Officer, Human Resources Group, U.S. Department of Education, 50 United Nations Plaza, Room 207, San Francisco, CA 94102-4987.

**18-05-11****SYSTEM NAME:**

Training Registration and Information System (TRAINS).

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Training and Development Center, Office of Management, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2W210, Washington, DC 20202. See Appendix at the end of this system notice for additional system locations.

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

TRAINS contains records of employees who register to attend training classes within the Department or who request training with an outside vendor for which approval and payment is required.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

TRAINS consists of records relating to an employee's applications for, and participation in, Department training classes (internal training) and training courses, conferences, or other training-related activities offered by vendors or government agencies outside the Department (external training). In addition to the employee's name, the system contains the employee's Social Security Account Number, position level, pay plan, grade, series, organization in which employed, building/room/telephone number, service completion date, supervisor's name, training requests, record of whether the employee attended or did not attend the internal class, and record of approval by principal office and cost of the external training, conference or

training-related activity. For internal training use, TRAINS has tables of course names and categories required to set up internal training classes and report the statistics on training offerings (numbers of attendees for specific courses during specific date parameters, for example). TRAINS also contains tables of users' identification information, building addresses, room locations, and vendor names and addresses.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 4103 (1994).

**PURPOSE(S):**

TRAINS is used for the following purposes: (1) To track course enrollments; (2) provide course rosters; (3) to produce attendance records for employees who attend internal training classes; (4) to produce reports on individual employees' training activities; (5) to produce reports on training activities conducted by individual organizations within the Department; and (6) by employees to request approval to attend training activities conducted outside the Department.

**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 notice 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 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.

(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.

(c) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

(4) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent

records, or to another public authority or professional organization, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies and Professional Organizations.* The Department may disclose a record to a Federal, State, local, or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, 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, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(5) *Employee Grievance, Complaint or Conduct Disclosure.* The Department may disclose a record in this system of records to another agency of the Federal Government if the record is relevant to one of the following proceedings regarding a present or former employee of the Department: complaint, grievance, discipline or competence determination proceedings. The disclosure may only be made during the course of the proceeding.

(6) *Labor Organization Disclosure.* A component of the Department may disclose records to a labor organization if a contract between the component and a labor organization recognized under Title V of the United States Code, Chapter 71, provides that the Department will disclose personal records relevant to the organization's mission. The disclosures will be made only as authorized by law.

(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) *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 an audit, inspection, or other inquiry related to the programs covered by this system.

(9) *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.

(10) *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.

(11) *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.

(12) *Disclosure to the Office of Management and Budget (OMB) for Credit Reform Act (CRA) Support.* The Department may disclose records to OMB as necessary to fulfill CRA requirements.

**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 on a networked computer server with backup procedures standard to all Department servers. Individual offices may maintain a hard copy of the training requests. Since entries are made and stored electronically, any hard copy records are kept following the procedures and/or requirements of the individual principal office. The Training and Development Center maintains hard copies of data such as signed class rosters only until the TRAINS database is updated.

**RETRIEVABILITY:**

The system is indexed by Social Security number. The Training and Development Center staff, designated



employees, and contractors who support the staff can access data in the system by employee name. Data for reports are retrievable by information from tables such as organization code and identifying codes for course names.

#### SAFEGUARDS:

All physical access to the Department of Education site, and the sites of Department contractors 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. The computer system employed by the Department of Education offers a high degree of resistance to tampering and circumvention. This security system limits data access to Department of Education and contract staff on a "need-to-know" basis, and controls individual users' ability to access and alter records within the system. All users of this system of records are given a unique user ID with personal identifiers. At a program/server level all interactions by individual users with the system are recorded. Utilities within the program can identify users' last logon and record changes made in registrations. There are four categories of individuals who have some access to this system: training coordinators, executive officers, TDC staff and designated employees and contractors who support TDC activities and system administrators.

#### RETENTION AND DISPOSAL:

Records of individuals are in the system indefinitely. Employees whose names are no longer in the personnel database are marked for archiving within the system. A utility is available to reactivate the records of an employee who returns to the Department.

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

Training and Development Group Director, Training and Development Center, Office of Management, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2W210, Washington, DC 20202-4614.

#### NOTIFICATION PROCEDURE:

If you wish to determine whether a record exists regarding you in the system of records, contact the training coordinator for your principal office and provide the training coordinator with your name and social security number. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity. You may also present your request in person at any of the locations identified for this system of records which include

your specific organization or address your request to the system manager at the address listed above.

#### RECORD ACCESS PROCEDURES:

You may request a copy of your student transcript from TRAINS through the training coordinator for that organization. Managers may request reports that may include the names of employees in that organization from the training coordinator or principal office for that organization. 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 information in this system pertaining to you, you should contact the system manager at the above address. You will need to provide specific information concerning any errors or omissions. It should be noted that not all employee training is entered into TRAINS and therefore cannot be tracked on the student transcript. Questions about external training for which there is no record must be addressed to the appropriate principal office.

#### RECORD SOURCE CATEGORIES:

The employee database is a subset of information from the Department's employee payroll database. This provides the employee Social Security number, name, grade, job series, and service completion date. Locator information (building/room/phone number) is updated manually from employee-provided information. Supervisor's name is updated manually from employee-provided information. All information regarding external training requests are provided by the employee requesting the training.

#### SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

#### Appendix to 18-05-11

##### *Additional System Locations*

Capital Place, 555 New Jersey Avenue, NW., Washington, DC 20208.

Mary E. Switzer Building, 330 C Street, SW., Washington, DC 20202.

L'Enfant Plaza, 2100 Corridor, Washington, DC 20202.

ROB-3, 7th and D Streets, SW., Washington, DC 20202.

Portals Building, 1250 Maryland Avenue, SW., Washington, DC 20202.

Region I, McCormack Post Office & Courthouse, Boston, MA 02109.

Region II, 75 Park Place, New York, NY 10007.

Region III, The Wanamaker Building, 100 Penn Square East, Room 502, Philadelphia, PA 19107.

Region IV, 61 Forsyth Street, SW, Atlanta, GA 30303.

Region V, 111 North Canal Street, Chicago, IL 60606.

Region VI, 1999 Bryan Street, Dallas, TX 75201.

Region VII, 10220 North Executive Hills Blvd., Kansas City, MO 64153.

Region VII, 7505 Tiffany Springs Parkway, Kansas City, MO 64153.

Region VIII, 1244 Speer Boulevard, Denver, CO 80204.

Region VIII, 1391 N. Speer Boulevard, Denver, CO 80204.

Region IX, 50 United Nations Plaza, San Francisco, CA 94102.

Region X, 915 Second Avenue, Seattle, WA 98174.

Region X, 1000 Second Avenue, Seattle, WA 98174.

#### 18-05-12

#### SYSTEM NAME:

Grievances Filed Informally Through the Informal Dispute Resolution Center (IDR Center).

#### SECURITY CLASSIFICATION:

None.

#### SYSTEM LOCATION:

Informal Dispute Resolution Center, Office of Hearings and Appeals, Office of Management, U.S. Department of Education, L'Enfant Plaza, Room 2100 A, Washington, DC 20202.

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

This system contains records on non-bargaining unit employees of the Department regardless of type of appointment, who individually or as a group, request personal relief in a matter of concern or dissatisfaction which is subject to the control of Department management. This includes former employees of the Department for whom a remedy can be provided, as well as applicants.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of IDR Center files.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302.

#### PURPOSE(S):

The information contained in this system is to consider and settle matters of dissatisfaction or concern of covered individuals.

#### 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 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.

(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.

(c) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

(4) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies and Professional Organizations.* The Department may disclose a record to a Federal, State, local, or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, 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, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(5) *Employee Grievance, Complaint or Conduct Disclosure.* The Department may disclose a record in this system of records to another agency of the Federal Government if the record is relevant to one of the following proceedings regarding a present or former employee of the Department: complaint, grievance, discipline or competence determination proceedings. The disclosure may only be made during the course of the proceeding.

(6) *Labor Organization Disclosure.* A component of the Department may disclose records to a labor organization if a contract between the component and a labor organization recognized under Title V of the United States Code, Chapter 71, provides that the Department will disclose personal records relevant to the organization's mission. The disclosures will be made only as authorized by law.

(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) *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 an audit, inspection, or other inquiry related to the programs covered by this system.

(9) *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.

(10) *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.

(11) *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.

(12) *Disclosure to the Office of Management and Budget (OMB) for Credit Reform Act (CRA) Support.* The

Department may disclose records to OMB as necessary to fulfill CRA requirements.

**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:**

Records are maintained in hard copy. Summary data of records are also maintained in a computerized tracking system.

**RETRIEVABILITY:**

IDR Center records are indexed by docket number.

**SAFEGUARDS:**

Access to and use of these records are limited to those persons with a "need-to-know" and whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Computers are password protected for individuals with access. All data bases are designed with stringent security measures to control individual users' ability to access and alter records within the system.

**RETENTION AND DISPOSAL:**

The IDR Center records are retained for 4 years after resolution of the case, as set forth in the General Records Schedule 1, Civilian Personnel Records, Item 25(a), 30(a).

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

Director, Informal Dispute Resolution Center, U.S. Department of Education, 400 Maryland Avenue, SW., Suite 2100 A, L'Enfant Plaza, Washington, DC 20202.

**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 Act regulations at 34 CFR 5b.5, including proof of identity.

**RECORD ACCESS PROCEDURES:**

If you wish to gain access to records regarding you in this system of records, contact the system manager at the address listed above and follow the steps outlined in the Notification Procedure. 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 in this system of records,

contact the system manager at the address listed above. Your request must meet the requirements of the regulations at 34 CFR 5b.7, including proof of identity.

**RECORD SOURCE CATEGORIES:**

Information in this system of records is supplied from the following sources: Directly by the individual filing the grievance, from information supplied by the individual, by testimony of witnesses, employee representatives and/or Department employees/officials.

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

None.

18-06-01

**SYSTEM NAME:**

Federal Advisory Committee Membership Files.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Committee Management, Office of Intergovernmental and Interagency Affairs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5E330, Washington, DC 20202-3571.

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

Individuals who have been or are presently members of or are being considered for membership on advisory committees or other committees within the jurisdiction of the Department of Education.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records in this system consists of one or more of the following: Name, title, sex, place and date of birth, home address, business address, organizational affiliation, phone numbers, fax numbers, e-mail addresses, degrees held, general educational background, ethnic background, resume, curriculum vitae, dates of term on advisory committee, status on advisory committee, reason for leaving advisory committee, previous or current membership on other advisory committee, special qualifications of the individual for the advisory committee or other membership, source who recommended the individual for membership on advisory and miscellaneous correspondence. Additionally, memoranda justifying the individual's selection are included in the file in cases in which the individual has served repetitively on advisory committees, has not had a one-year break in service on advisory, or where various statutory or other requirements

for advisory committee membership cannot be met.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Federal Advisory Committee Act, as amended, (U.S.C.A. Appendix 2).

**PURPOSE(S):**

The information in this system is used to evaluate and select individuals for membership on advisory committees or other committees within the jurisdiction of the Department.

**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) *Reporting Disclosures.* The Department may disclose a record to the President, the Office of Management and Budget, the General Services Administration or to the General Accounting Office in order to complete its reporting requirements under 41 CFR part 101-6.

(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

(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) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

(3) *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.

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

**STORAGE:**

Records are maintained in hard-copy filed in file cabinets and/or index cards.

**RETRIEVABILITY:**

For the most part records are maintained in an alphabetical index by name of the committees. Records from the system are available to the staffs of the respective Advisory Committees and other Department staff on a "need-to-know" basis. Uses include special administrative reports; quarterly alphabetical listings of past, present and recommended members of Advisory Committees; and other administrative needs.

**SAFEGUARDS:**

Direct access to records is restricted to authorized personnel through locked files, rooms, and buildings, as well as building pass and security guard sign-in systems.

**RETENTION AND DISPOSAL:**

Retention is variable from one year to permanent retention depending upon the type of record, e.g., names of former members of advisory committees are retained permanently. Certain records

are disposed of by referral to the Federal Records Center. Others are disposed of as trash by the system manager or office of security depending upon the confidentiality of the information contained on the record.

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

Committee Management Officer, Office of Intergovernmental and Interagency Affairs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5E330, Washington, DC 20202-3571.

**NOTIFICATION PROCEDURE:**

Same as above.

**RECORD ACCESS PROCEDURES:**

Same as notification procedures. Requestors should also reasonable specify the record contents, being sought. These access procedures are in accordance with Department Regulations (34 CFR 5b.5(a)(2)).

**CONTESTING RECORD PROCEDURES:**

Contact the official at the address specified under notification procedures, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (34 CFR 5b.7).

**RECORD SOURCE CATEGORIES:**

The vast majority of information contained in records on individuals is obtained directly from the individual. Other information in the form of references and recommendations is obtained from other private individuals, program personnel, biographical reference books, private organizations, former employees, regional office of the Department, Members of Congress, and other government sources.

Additionally the system of records contains information about members of the public who have requested that they receive various publications through the inclusion of their names and addresses on various mailing lists.

Information maintained on those individuals who have requested participation on mailing lists is limited to name and mailing address, information maintained on individuals who are past, present, or recommended

18-06-02

**SYSTEM NAME:**

Telephone Directory/Locator System.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Information Resource Center, Intergovernmental and Interagency

Affairs, U.S. Department of Education, Room 5E233, 400 Maryland Avenue, SW., Washington, DC 20202-0498.

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

This system contains records on current employees of the Department, vendors or other Federal employees located in Department operating offices and facility complexes.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system contains records such as first and last names, titles, agency office addresses, program and principal office agency mailing addresses, telephone numbers, fax numbers, e-mail addresses, and standard administrative codes for departmental employees and other individuals with access rights to the Department's Intranet. Names, phone numbers, principal and program offices, office addresses (building name, address, room number, region), and e-mail addresses are available via the Department's website.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 40 U.S.C. 486(c).

**PURPOSE(S):**

Records are used to develop and maintain current employee locator and directory listings. The locator listings are used by the Department information centers, employees, mail rooms, and others specifically for the purpose of locating employees and for routing mail. The directory listings are used to produce departmental telephone directories on an as needed basis.

**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) *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.

(c) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

(2) *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.

#### DISCLOSURE TO CONSUMER REPORTING AGENCIES:

*Disclosures pursuant to 5 U.S.C. 552a(b)(12):* The Department may disclose to a consumer reporting agency information regarding a claim by the Department which is determined to be valid and overdue as follows: (1) The name, address, taxpayer identification number and other information necessary to establish the identity of the individual responsible for the claim; (2) the amount, status, and history of the claim; and (3) the program under which

the claim arose. The Department may disclose the information specified in this paragraph under 5 U.S.C. 552a(b)(12) and the procedures contained in subsection 31 U.S.C. 3711(e). A consumer reporting agency to which these disclosures may be made is defined at 31 U.S.C. 3701(a)(3).

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

**STORAGE:**  
 Records are stored on hard drives, computer printouts, and in hard copy.

#### RETRIEVABILITY:

Records are retrievable by first and last name, principal office name, telephone number, and a keyword search field.

#### SAFEGUARDS:

Only authorized personnel have access to master lists and the ability to make permanent changes.

#### RETENTION AND DISPOSAL:

Data is edited by each employee online in real time. Therefore data can change or be deleted each day. Once the employee leaves the Department, all data is deleted from the database as the database only houses the most current Departmental employee location data.

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

Locator Administrator(s), Information Resource Center, Intergovernmental and Interagency Affairs, U.S. Department of Education, Room 5E233, 400 Maryland Avenue, SW., Washington, DC 20202-0498.

#### NOTIFICATION PROCEDURE:

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

#### RECORD ACCESS PROCEDURES:

If you wish to gain access to records regarding you in this system, 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, contact the system managers. Your request must meet the requirements of the regulations at 34 CFR 5b.7.

#### RECORD SOURCE CATEGORIES:

Information in this system is obtained from individual employee, the

Information Resource Center and the Chief Information Office.

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

None.

18-07-01

#### SYSTEM NAME:

Congressional Members' Biographies System.

#### SECURITY CLASSIFICATION:

None.

#### SYSTEM LOCATION:

Legislative Affairs Office, Office of the Assistant Secretary for Legislation and Congressional Affairs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 7E301, Washington, DC 20202.

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

This system contains records about all members of Congress.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains biographical files on congressional members consisting of the Member's name, title, state and district he or she represents, date of appointment to Congress, date of birth, place of birth, educational background, previous employment including political offices, House or Senate committee assignments, political support scores, how he or she voted on key education legislation, brief personal background and education interests pertaining to the Department of Education, names of universities and colleges located in each House member's district, and a brief description of the district or state in which the Member of Congress represents.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

20 U.S.C. 3412(e).

#### PURPOSE(S):

The information in this system is used by the Secretary of Education and any departmental staff who need background information of a Member of Congress while preparing for hearings and meetings.

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

The 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 purpose for which the record was

collected. The member's right to the information is no greater than the right of the individual who requested it.

(1) *Contact Disclosures.* The Department may disclose records contained in this system to individuals and entities (including educational institutions) that the Department contacts while formulating and enforcing education policies.

(2) *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.

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

**STORAGE:**

Records are maintained in hard copy individual files stored in standard four-drawer file cabinets and also in electronic format on a hard drive accessible by staff of the Office for Legislation and Congressional Affairs.

**RETRIEVABILITY:**

Records are indexed alphabetically by last name.

**SAFEGUARDS:**

Files are maintained in the Office of Legislation and Congressional Affairs and requests are honored on a "need-to-know" basis only. All physical access to the Department of Education site, and the sites of Department contractors 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.

The computer system employed by the Department of Education offers a high degree of resistance to tampering and circumvention. This security system limits data access to Department of Education and contract staff on a "need-to-know" basis, and controls individual users' ability to access and alter records within the system. All users of this system of records are given a unique user ID with personal identifiers. All interactions by individual users with the system are recorded.

**RETENTION AND DISPOSAL:**

Records are constantly updated as circumstances warrant relative to the activities of Congress.

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

Office of Legislation and Congressional Affairs, Legislative

Affairs Office, U.S. Department of Education, 400 Maryland Avenue, SW., Room 7E301, Washington, DC 20202.

**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:**

Information is obtained from Congressional Quarterly, Inc., The Almanac of American Politics, Roll Call Newspapers, on-line biographies and press releases of Members of Congress, and the Office of Postsecondary Education at the U.S. Department of Education.

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

None.

**18-07-02**

**SYSTEM NAME:**

Congressional Grant Notification Control System.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Congressional Outreach, Office of Legislation and Congressional Affairs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 7E301, Washington, DC 20202.

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

The Congressional Grant Notification Control System contains records about members of Congress.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system consists of direct inquiries and letters of support concerning discretionary grants from Members of Congress.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**PURPOSE:**

The information in this system is used to provide responses to inquiries from Members of Congress regarding discretionary grant notification.

**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 without the consent of the individual if the disclosure is compatible with the purpose for which the record was collected and only as needed to perform one or more of the following routine uses:

(1) *Inter-Agency Disclosure.* Inquiries that do not pertain to the Department, but fall under the jurisdiction of another Federal agency, are transferred to that Agency with a request that a direct response be provided to the correspondent.

(2) *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.

(3) *Litigation and Alternative Dispute Resolution.*

(a) In the event of litigation where one of the parties listed below is involved in litigation or ADR, the Department may disclose such records as it deems desirable or necessary to the Department of Justice (DOJ) to enable DOJ to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

(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; or

(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 used to the DOJ.

(c) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose records as a routine use to the party, counsel, representative or witness.

**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 filed in standard file cabinets.

**RETRIEVABILITY:**

Records are indexed alphabetically by grant title.

**SAFEGUARDS:**

Records are kept in the responsible grant notification team member's office. All physical access to the Department's site, and the sites of Department contractors 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.

The computer system employed by the Department offers a high degree of resistance to tampering and circumvention. This security system limits data access to Department and contract staff on a "need-to-know" basis, and controls individual users' ability to access and alter records within the system. All users of this system of records are given a unique user ID with personal identifiers. All interactions by individual users with the system are recorded.

**RETENTION AND DISPOSAL:**

Records are maintained for two years.

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

Director, Congressional Outreach, Office of Legislation and Congressional

Affairs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 7E301, 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 at the above address with the name of the Member of Congress who corresponded with the Department, the name of the referenced constituent, the grant title, and the date of the correspondence. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identification.

**RECORD ACCESS PROCEDURES:**

Same as the Notification Procedure.

**CONTESTING RECORD PROCEDURES:**

If you wish to contest the content of a record pertaining to you, contact the system manager at the address noted 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:**

The information in this system is provided by the correspondent and by the agency that prepares the final response.

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

None.

**18-08-01**

**SYSTEM NAME:**

Case Information System.

**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 records 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 lists the names of cases, characteristics of individual civil rights complaints, and critical events in the OCR's processing of civil rights complaints.

**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 report the status of individual complaints to OCR managers and staff for tracking the progress of individual cases and provide information used to prepare summaries of case processing activities; and
- (2) To report to Congress, other agencies, or to the public to explain or document the work it has accomplished.

**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 may disclose information from 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) *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 kept in magnetic media.

**RETRIEVABILITY:**

Records are indexed by case or complaint number, by the name or address of a complainant, the name of the entity against which the complaint was made, its subject matter, or by the stage to which investigation or other case processing has proceeded.

**SAFEGUARDS:**

The system is maintained on personal computers located in OCR offices. Information in the system is transmitted between its offices on OCR's internal communication network. Access to OCR

offices is controlled, and available only to OCR staff and authorized visitors. OCR staff authorized to access the system receive individual user identification and passwords. The system additionally limits data access by type of user and limits users' ability to alter records within the system.

Similar records made before December, 1993 were entered in a different format, no longer in use. These historic records are stored on magnetic tape. A single employee assigned to OCR headquarters can access them.

**RETENTION AND DISPOSAL:**

Records are retained indefinitely. Disposal is by electronic erasure when no longer needed for Department use.

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

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

**NOTIFICATION PROCEDURE:**

If you wish to determine whether a record exists regarding you in this system of records, contact the system manager at the address indicated above. You must provide the name of the institution and complainant to which the case pertains and the case number, if known. Requests 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 records pertaining to you, follow the notification procedure described above. You must also reasonably specify the record contents sought.

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 any records regarding you, contact the official at the address specified under notification procedures, reasonably identify the record and specify the information to be contested. Requests to amend a record must meet the requirements of the regulations at 34 CFR 5b.7.

**RECORD SOURCE CATEGORIES:**

Records are derived from information in complaint investigation files.

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

None.



**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*

- 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.

**18-09-01**

**SYSTEM NAME:**

Administrative Claims.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Office of General Counsel, U.S. Department of Education, 400 Maryland Avenue, SW, Room 6E301, Washington, DC 20202.

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

This system contains records about Department employees, recipients of Federal assistance under Department funded programs, and members of the public who have a claim against the Department or against whom the Department has a claim under the Federal Torts Claims Act, Military Personnel and Civilian Employees Claims Act, Federal Claims Collection Act or Act for Waiver of Overpayment of Pay.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system contains information that is pertinent to the particular claim being asserted, including accident reports, hospital records, charges for medical service; certifications of overpayments, audits of payroll accounts during period of overpayments, earning and leave statements; claims officers memorandum, final determinations made on claims, identity of debtors and information pertaining to how debts arose.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Federal Torts Claims Act (28 U.S.C. 2671-2680, 1346(b)); Waiver of Overpayment of Pay Act (5 U.S.C. 5584; Military Personnel and Civilian Employees Claims Act, 31 U.S.C. 240 et seq.; Federal Claims Collection Act, 31 U.S.C. 951-953.

**PURPOSE(S):**

The information in this system is used to adjudicate claims between the U.S. and private parties.

**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) *Program Disclosure.* The Department may disclose information to Federal, State, and local law enforcement agencies, private

individuals, private and public hospitals, allegedly negligent parties, private attorneys, insurance companies, the United States Attorney and other Federal officials and agencies, individual law enforcement officers, and tribal officials for the purpose of investigating, settling, or litigating claims.

(2) *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.

(3) *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.

(4) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies and Professional Organizations.* The Department may disclose a record to a Federal, State, local, or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, 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, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(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 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) *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 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 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 may disclose those records as a routine use to the party, counsel, representative or witness.

(6) *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.

(7) *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.

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

**STORAGE:**

Records are maintained in legal size files in filing cabinets.

**RETRIEVABILITY:**

Records can be retrieved by the name of the non-Government party, whether claimant, plaintiff, or alleged debtor. In some instances, these records are retrievable by cross reference to index cards, containing name of the party involved and the subject matter.

**SAFEGUARDS:**

Office buildings in which files are kept are locked after the close of the business day. These files are only accessible to General Counsel staff.

**RETENTION AND DISPOSAL:**

The records are maintained in accordance with the Department of Education Records Disposition Schedules (ED/RDS).

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

The General Counsel, Office of the General Counsel, U.S. Department of Education, 400 Maryland Avenue, SW., Room 6E301, Washington, DC 20202.

**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 comes from a number of sources including private individuals, private and public hospitals, doctors, law enforcement agencies and officials, private attorneys, accident reports, third parties, claimants

for beneficiaries and their relatives, other Federal agencies, State and local governments, agencies and instrumentalities.

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

None.

**18-09-02**

**SYSTEM NAME:**

OGC Attorney Applicant Files.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Office of the General Counsel, U.S. Department of Education, 400 Maryland Avenue, SW., Room 6E301, Washington, DC 20202.

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

This system contains records on current Attorney Applicants for positions in the Office of the General Counsel.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The Attorney Applicant system consists of a variety of records relating to persons applying for attorney positions. These records contain information about an individual's birth date; home address; telephone number; Social Security number; educational background (e.g., law schools attended and grades); past work experience; writing samples furnished on request; recommendations from past employers and academic officials.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 3301 et seq.

**PURPOSE(S):**

The information in this system is used to evaluate the qualifications of those individuals who apply for attorney positions in the Office of the General Counsel.

**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) *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.

(c) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

(2) *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.

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

These records are maintained in file folders, alphabetized by name, and in some cases the records are separated by individual law school affiliation and by the date the application is received. In some instances records are located in lockable conserva-file cabinets and in a locked secured room with access limited to those officials whose duties require access. In other instances records are maintained in file rooms or with other Office of General Counsel files.

**RETRIEVABILITY:**

These records are retrievable by name.

**SAFEGUARDS:**

Access is limited to those Department officials whose duties require access.

**RETENTION AND DISPOSAL:**

These records are retained in accordance with the Department of Education Records Disposition Schedules (ED/RDS).

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

The General Counsel, U.S. Department of Education, Office of the General Counsel, 400 Maryland Avenue, SW., Room 6E301, Washington, DC 20202.

**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:**

Information in this system of records comes from the individual to whom it applies, law school officials and past employers.

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

None.

**18-09-03****SYSTEM NAME:**

Employee Conduct—Government Ethics.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Ethics Counsel Division, Office of the General Counsel, U.S. Department of Education, 400 Maryland Avenue, SW., Room 6E231, Washington, DC 20202.

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

This system contains information about current and past Department employees who have requested or received advice or guidance in subject matter areas relating to employee conduct.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system contains information relating to acceptance or offer of gifts, entertainment and favors, outside employment; financial interests; use of government funds, property or official information; partisan political activity; or other matters relating to employee conduct.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

18 U.S.C. 202, 203, 205, 207, 208, 209; Executive Order 11222; and 5 CFR parts 735, 104; 34 CFR Part 73.

**PURPOSE(S):**

The information in this system is used in providing advice or guidance in subject matter areas relating to employee conduct.

**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) *Disclosure for Use by Other Law Enforcement Agencies.* 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.

(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) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies and Professional Organizations.* The Department may disclose a record to a Federal, State, local, or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, 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, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(4) *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.

(c) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

(5) *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.

(6) *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.

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

**STORAGE:**

These records are kept in legal size files in filing cabinets.

**RETRIEVABILITY:**

These records are retrievable by name in most cases. In some instances, these records are retrievable by cross-reference to index cards containing the

name of the party involved and the subject matter.

**SAFEGUARDS:**

These records are only accessible to General Counsel staff. Office buildings in which these records are maintained are locked after the close of the business day.

**RETENTION AND DISPOSAL:**

The records are maintained for an indefinite duration.

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

Assistant General Counsel, Ethics Counsel Division, Office of the General Counsel, U.S. Department of Education, 400 Maryland Avenue, SW, Room 6E231, Washington, DC 20202.

**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 Department of Education's Privacy Act 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.

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

None.

**18-09-04**

**SYSTEM NAME:**

Litigation Files, Administrative Complaints, and Adverse Personnel Actions.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Office of the General Counsel, U.S. Department of Education, 400 Maryland Avenue, SW., Room 6E301, Washington, DC 20202.

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

The individuals on whom records are maintained in this system are individuals who are involved in

litigation with the Department or the United States (regarding matters within the jurisdiction of the Department) either as plaintiffs or as defendants in both civil and criminal matters, and individuals who either file administrative complaints initiated by the Department, except claims which are the subjects of records maintained in the Administrative Claims System.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain information pertaining to the subject matter of the litigation, administrative complaint, or adverse personnel action. Such records would include complaints, litigation reports, administrative transcripts, various litigation documents, investigative materials, correspondence, briefs, court orders and judgments, and in cases where personal injury is involved, evaluations by physician specialists.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

The authority for maintaining this system are the various statutes, regulations, rules or orders pertaining to the subject matter of the litigation, administrative complaint or adverse personnel action, (e.g., Civil Rights Act, Federal Torts Claim Act).

**PURPOSE(S):**

The information in this system is used for litigating civil cases, criminal cases and administrative complaints to which the Department or the United States is a party.

**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) *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.

(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) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies and Professional Organizations.* The Department may disclose a record to a Federal, State, local, or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, 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, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(4) *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.

(c) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

(5) *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.

(6) *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.

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

**STORAGE:**

These records consist of legal size files stored in file cabinets.

**RETRIEVABILITY:**

These records are retrievable by name of the plaintiff or the first plaintiff if there is more than one, or by the name of the first defendant if the plaintiff is the United States. In the case of adverse personnel actions, records are retrievable by name of the individual involved.

**SAFEGUARDS:**

Office buildings in which these records are maintained are locked after the close of the business day. These records are only accessible by General Counsel staff.

**RETENTION AND DISPOSAL:**

These records are maintained in accordance with the Department of Education Records Disposition Schedules (ED/RDS).

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

The General Counsel, Office of the General Counsel, U.S. Department of Education, 400 Maryland Avenue, SW., Room 6E301, Washington, DC 20202.

**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 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 for this system is obtained through a number of sources including the exchange of legal pleadings, documents, formal and informal discovery, program offices and component agencies, private attorneys, State and local governments, their agencies and instrumentalities, and officers of other Federal agencies and the individuals involved.

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

None.

18-10-01

**SYSTEM NAME:**

Investigative Files of the Inspector General.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Office of Inspector General, U.S. Department of Education, 330 C Street,

SW., Room 4004, Switzer Building, Washington, DC 20202-1500. See the Appendix at the end of this system notice for additional system locations.

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

Categories include current and former Department of Education employees and individuals who have any relationship to financial assistance or other educational programs administered by the Department of Education, or to management concerns of the Department, including but not limited to: grantees, subgrantees, contractors, subcontractors, program participants, recipients of Federal funds or federally insured funds, and officers, employees or agents of institutional recipients or program participants.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Investigation files pertaining to violations of criminal laws, fraud, waste, and abuse with respect to administration of Department programs and operations, and violations of employee Standards of Conduct as set out in 34 CFR part 73.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

The Inspector General Act of 1978, as amended (5 U.S.C. Appendix 3) and 5 U.S.C. 301.

**PURPOSE(S):**

Pursuant to the Inspector General Act, the system is maintained for the purposes of: (1) Conducting and documenting investigations by the OIG or other investigative agencies regarding Department of Education programs and operations and reporting the results of investigations to other Federal agencies, other public authorities or professional organizations which have the authority to bring criminal prosecutions or civil or administrative actions, or to impose other disciplinary sanctions; (2) documenting the outcome of OIG investigations; (3) maintaining a record of the activities which were the subject of investigations; (4) reporting investigative findings to other Department of Education components for their use in operating and evaluating their programs or operations, and in the imposition of civil or administrative sanctions; and (5) acting as a repository and source for information necessary to fulfill the reporting requirements of the Inspector General Act, 5 U.S.C. Appendix 3, 5.

**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 without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected, under the following routine uses:

(1) *Disclosure for Use by Other Law Enforcement Agencies.* The Department may disclose information from this system of records as a routine use 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 where that information is relevant to any enforcement, regulatory, investigative, or prosecutive responsibility of the receiving entity.

(2) *Disclosure to Public and Private Entities to Obtain Information Relevant to Department of Education Functions and Duties.* The Department may disclose information from this system of records as a routine use to public or private sources to the extent necessary to obtain information from those sources relevant to a Department investigation, audit, inspection or other inquiry.

(3) *Disclosure for Use in Employment, Employee Benefit, Security Clearance, and Contracting Decisions.*

(4) *For Decisions by the Department.* The Department may disclose information from this system of records as a routine use to a Federal, State, local, or foreign agency maintaining civil, criminal or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance or retention of a security clearance, the letting of a contract, or the issuance or retention of a license, grant, or other benefit.

(5) *For Decisions by Other Public Agencies and Professional Organizations.* The Department may disclose information from this system of records as a routine use to a Federal, State, local, or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, the issuance or retention of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance or retention of a license, grant or other benefit.

(6) *Disclosure to Public and Private Sources in Connection with the Higher Education Act of 1965, as Amended ("HEA").* The Department may disclose information from this system of records

as a routine use to any accrediting agency which is or was recognized by the Secretary of Education pursuant to the HEA; to any guaranty agency which is or was a party to an agreement with the Secretary of Education pursuant to the HEA; or to any agency which is or was charged with licensing or legally authorizing the operation of any educational institution or school which was eligible, is currently eligible, or may become eligible to participate in any program of Federal student assistance authorized by the HEA.

(7) *Litigation Disclosure.*

(a) *Disclosure to the Department of Justice.* If the Department determines that disclosure of certain records to the Department of Justice is relevant and necessary to litigation and is compatible with the purpose for which the records were collected, the Department may disclose those records as a routine use to the Department of Justice. Such a disclosure may be made in the event that one of the parties listed below is involved in the litigation, or has an interest in the litigation:

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

(ii) Any employee of the Department in his or her official capacity;

(iii) Any employee of the Department in his or her individual capacity where the Department of Justice has agreed to represent the employee; or

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

(8) *Other Disclosure.* If the Department determines that disclosure of certain records to a court, adjudicative body before which the Department is authorized to appear, individual or entity designated by the Department or otherwise empowered to resolve disputes, counsel or other representative, or potential witness is relevant and necessary to litigation and is compatible with the purpose for which the records were collected, the Department may disclose those records as a routine use to the court, adjudicative body, individual or entity, counsel or other representative, or witness. Such a disclosure may be made in the event that one of the parties listed below is involved in the litigation, or has an interest in the litigation:

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

(ii) Any employee of the Department in his or her official capacity;

(iii) Any employee of the Department in his or her individual capacity where the Department has agreed to represent the employee; or



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

(9) *Disclosure to Contractors and Consultants.* The Department may disclose information from this system of records as a routine use to a private firm with which the Department contemplates it will contract or with which it has contracted for the purpose of performing any functions or analyses that facilitate or are relevant to an OIG investigation, audit, inspection, or other inquiry. Such contractor or private firm shall be required to maintain Privacy Act safeguards with respect to such information.

(10) *Debarment and Suspension Disclosure.* The Department may disclose information from this system of records as a routine use to another Federal agency considering suspension or debarment action where the information is relevant to the suspension or debarment action.

(11) *Disclosure to the Department of Justice.* The Department may disclose information from this system of records as a routine use to the Department of Justice, to the extent necessary for obtaining its advice on any matter relevant to Department of Education operations.

(12) *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.

(13) *Computer Matching Disclosure.* The Department may disclose information from this system of records as a routine use to a Federal, State, local, or foreign agency, or other public authority, for use in computer matching programs to prevent and detect fraud and abuse in benefit programs administered by any agency, to support civil and criminal law enforcement activities of any agency and its components, and to collect debts and overpayments owed to any agency and its components.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

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

**STORAGE:**

The records are maintained on index cards, investigative reports,

microcomputer disks, computer mainframe files and computer-printed listings.

**RETRIEVABILITY:**

The records are retrieved by manual or computer search of alphabetical indices or cross-indices. Indices list names of individuals, companies and organizations.

**SAFEGUARDS:**

Written documents and computer disks are maintained in secure rooms, in security-type safes or in bar-lock file cabinets with manipulation-proof combination locks. Computer mainframe files are on-line in guarded, combination-locked computer rooms.

**RETENTION AND DISPOSAL:**

Investigative files are retained and disposed of in accordance with the Department's Records Disposition Schedules (ED/RDS, Part 16). The ED/RDS may be obtained by writing to the System Manager at the address below.

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

Assistant Inspector General for Investigation Services, Office of the Inspector General, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4200, Switzer Building, Washington, DC 20202-1510.

**NOTIFICATION PROCEDURE:**

See "system exempted," below. As provided in 34 CFR 5b.11(b)(2) and (c)(1), the notification procedure is not applicable to criminal investigative files except at the discretion of the Inspector General. To the extent that this procedure may apply to criminal investigative files, it is governed by 34 CFR 5b.5. The notification procedure is applicable to non-criminal investigative files under the conditions defined by 34 CFR 5b.11(c). Under those conditions it is governed by 34 CFR 5b.5.

**RECORD ACCESS PROCEDURES:**

See "system exempted," below. As provided in 34 CFR 5b.11(b)(2) and (c)(1), the record access procedure is not applicable to criminal investigative files except at the discretion of the Inspector General. To the extent that this procedure may apply to criminal investigative files, it is governed by 34 CFR 5b.5. The record access procedure is applicable to non-criminal investigative files under the conditions defined by 34 CFR 5b.11(c). Under those conditions it is governed by 34 CFR 5b.5.

**CONTESTING RECORD PROCEDURES:**

Not applicable. See "system exempted," below.

**RECORD SOURCE CATEGORIES:**

Departmental and other Federal, State and local government records; interviews of witnesses; documents and other material furnished by non-governmental sources. Sources may include confidential sources.

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

Pursuant to the general authority in the Privacy Act in 5 U.S.C. 552a(j)(2), the Secretary has by regulation exempted the Investigative Files of the Inspector General from the following subsections of the Privacy Act:

5 U.S.C. 552a(c)(3)—access to accounting of disclosure;

5 U.S.C. 552a(d)(1)-(4) and (f)—procedures for notification of, access to, and correction or amendment of records;

5 U.S.C. 552(e)(3)—notice to an individual who is required to provide information to the Department;

5 U.S.C. 552a(e)(4)(G), (H)—inclusion of information on Department procedures on notification of, access to, correction or amendment of records, in the system of records notice.

These exemptions are stated in 34 CFR 5b.11.

**Appendix to 18-10-01**

*Additional System Locations*

Office of Inspector General, U.S. Department of Education, Room 512, P.O. Box 2142, Boston, MA 02106.

Office of Inspector General, U.S. Department of Education, 75 Park Place, 12th Floor, New York, NY 10007.

Office of Inspector General, U.S. Department of Education, The Wanamaker Building, 100 Penn Square East, Suite 502, Philadelphia, PA 19107.

Office of Inspector General, U.S. Department of Education, Atlanta Federal Center, 61 Forsyth Street, Room 18T71, Atlanta, GA 30303.

Office of Inspector General, U.S. Department of Education, 111 N. Canal Street, Suite 940, Chicago, IL 60606-7204.

Office of Inspector General, U.S. Department of Education, 1999 Bryan Street, Suite 2630, Dallas, TX 75201-6817.

Office of Inspector General, U.S. Department of Education, 2nd Floor, 10220 North Executive Hills Blvd., Kansas City, MO 64153-1367.

Office of Inspector General, U.S. Department of Education, 501 W. Ocean Blvd. #1200, Long Beach, CA 90802.

**18-10-02**

**SYSTEM NAME:**

Investigatory Material Compiled for Personnel Security and Suitability Purposes.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Security Program Staff, Office of Inspector General, U.S. Department of Education, 600 Independence Avenue, SW., Washington, DC 20202-1510.

U.S. Office of Personnel Management, Investigations Group, P.O. Box 886, Washington, DC 20044-0886.

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

Applicants seeking employment with the Department of Education (Department), former and current employees of, and other persons and entities doing business with, the Department.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain investigative information pertaining to current and former Department employees, current and former contractor personnel, and current employees of entities making offers to the Department for purposes of doing business. This information regards individuals' character, conduct, and loyalty to the United States as relevant to their association with the Department. These records may, as appropriate to the individual being investigated, include the following types of information: (1) Documentation as to his or her arrests and convictions for violations of the law. (2) Reporting as to interviews held with the individual, his or her present and former supervisors, co-workers, associates, neighbors, educators, etc. (3) Correspondence relating to adjudication matters involving the individual. (4) Reports of inquiries made of law enforcement agencies for information about the individual contained in the agencies records. (5) Information provided by organizations having association with the individual, such as employers, educational institutions attended, professional or fraternal or social organizations to which the individual is or was a member, etc. (6) Reports of action following an Office of Personnel Management (OPM) investigation or a Federal Bureau of Investigation Section 8(d) full field investigation. (7) Other information developed from the previous sources.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Orders 10450, 10577, and 12968; as amended.

**PURPOSE(S):**

Records in this system are maintained to provide the Inspector General and other responsible Department officials with information to assist them in making individual personnel determinations concerning suitability

for Federal employment, security clearances, access to classified information or restricted areas, and evaluations as to suitability for performance under Federal contracts or other agreements with the Federal Government. Incidental to this purpose, for those investigations conducted by the OIG, these records may also be disclosed to other Federal and non-Federal investigatory agencies to protect the public or Federal interest, or both.

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

The Department may disclose information in a record in this system of records without the consent of the individual if the disclosure is compatible with the purpose 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 agreement.

(1) *Program Purpose:* To public or private sources to the extent necessary to obtain information to be included in this system of records.

(2) To officials and employees of a Federal, State, or local governmental entity in response to its request in connection with the issuance of security clearances or the conduct of security or suitability investigations of individuals seeking employment, licensure, other benefits, or to perform contractual services, or to otherwise associate with the governmental entity.

(3) To a Federal, State, local, or foreign entity or other public authority responsible for the investigation, prosecution, enforcement, or implementation of a statute, rule, regulation, or order, when a record on its face or in combination with any other information indicates a violation or potential violation of law (whether civil, criminal, or regulatory in nature) if that information is relevant to any enforcement, regulatory, investigative, or prosecutive responsibility of the receiving entity. It is OIG policy not to disclose records under this routine use that pertain to those questions for which the OIG has promised confidentiality under Standard Form 85P, Questionnaire for Public Trust Positions.

(4) *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.

(5) *Litigation Disclosure.* To parties pertaining to litigation disclosure as follows:

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

(i) The Department or any of its components.

(ii) Any Department employee in his or her official capacity.

(iii) Any employee of the Department in his or her official capacity where the Department of Justice (Justice) has agreed to provide or arrange for representation of the employee.

(iv) Any employee of the Department in his or her individual capacity where the Department has agreed to represent the employee.

(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 Department of Justice (DOJ).* If the Department determines that disclosure of certain records to the DOJ or attorneys engaged by DOJ is relevant and necessary to litigation and is compatible with the purpose for which the records were collected, the Department may disclose those records as a routine use to DOJ.

(c) If the Department determines that disclosure of certain records to an adjudicative body before which the Department is authorized to appear, individual, or entity designated by the Department or otherwise empowered to resolve disputes is relevant and necessary to the administrative litigation and is compatible with the purpose for which the records were collected, the Department may disclose those records as a routine use to the adjudicative body, individual, or entity.

(d) If the Department determines that disclosure of certain records to an opposing counsel, representative, or witness in an administrative proceeding is relevant and necessary to the litigation and is compatible with the purpose for which the records were collected, the Department may disclose those records as a routine use to the counsel, representative, or witness.

(6) *Freedom of Information Act (FOIA) Advice Disclosure.* To the Department of Justice for the purpose of obtaining advice regarding the releasability of records maintained in

this system of records under the FOIA and the Privacy Act of 1974.

(7) *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 the individual. The member's right to the information is no greater than the right of the individual who requested it.

(8) *Disclosure for Use by Other Law Enforcement Agencies.* The Department may disclose information to the intelligence agencies of the Department of Defense, the National Security Agency, the Central Intelligence Agency, and the Federal Bureau of Investigation for use in intelligence or investigation activities.

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

**STORAGE:**

Records are maintained in folders secured in fire resistant safes with manipulation proof combination locks, or in metal lock-bar file cabinets with three position combination locks, and in a computer database.

**RETRIEVABILITY:**

Records are alphabetically indexed by name of the individual subject of the file. Retrieval is made by the name, date of birth, and social security number of the individual on whom they are maintained.

**SAFEGUARDS:**

Folders are maintained and secured in fire resistant safes with manipulation proof combination locks, or in metal file cabinets secured by three position combination locks. All records, including those records that are maintained on the computer database, are in limited access rooms with keyless cipher locks. All employees are required to have an appropriate security clearance before they are allowed access, on a "need-to-know" basis, to the records. Computer databases are kept on a local area network that is not connected to any outside network including the Internet. Database accessibility is restricted to hard wire network connection from within the office or via modem. Authorized log-on codes and passwords prevent unauthorized users from gaining access to data and system resources. All users have unique log-on codes and passwords. The password scheme requires that users must change passwords every 90 days and may not repeat the old password. Any individual attempting to log on who fails is locked

out of the system after three attempts. Access after that time requires intervention by the system manager.

**RETENTION AND DISPOSAL:**

Most background investigative records are maintained for five years after the individual separates from his or her departmental association if subject to Executive Orders 12968 and 10450, as amended. Reports of background investigations conducted by the Office of Inspector General are retained for 15 years, plus the current year of the most recent investigative activity, in accordance with OPM guidance. The records are disposed of by electronic erasure, shredding, or burning.

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

Security Officer, Office of Inspector General, U.S. Department of Education, 600 Independence Avenue, SW, Washington, DC 20202-1510.

**NOTIFICATION PROCEDURE:**

If an individual wishes to determine whether a record exists regarding him or her in this system of records, the individual must provide the system manager with his or her name, date of birth, social security number, signature, and the address to which the record information should be sent. Requests for notification about an individual must meet the requirements of the regulations in 34 CFR 5b.5.

**RECORD ACCESS PROCEDURE:**

If an individual wishes to gain access to a record in this system, he or she must contact the system manager and provide information as described in the notification procedure.

**CONTESTING RECORD PROCEDURE:**

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

**RECORD SOURCE CATEGORIES:**

Information contained in this system of records is obtained from:

- (a) Investigative and other record material furnished by other Federal entities, other departmental components, State, local, and foreign governments;
- (b) Applications and other personnel and security forms;

(c) Personal investigation, written inquiry, interview, or the electronic accessing of computer databases of sources, such as the OPM system of records known as Personnel Investigations Records (OPM/Central-9), employers, educational institutions, references, neighbors, associates, police departments, courts, credit bureaus, medical records, probation officials, prison officials, newspapers, magazines, periodicals, and other publications; and

(d) Confidential sources.

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

As indicated in 34 CFR 5b.11, individuals will be provided information from this record system unless, in accordance with the provisions of 5 U.S.C. 552a(k)(5)—(1) Disclosure of that 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) The information was obtained prior to September 27, 1975 and disclosure of that information would reveal the identity of a source who provided information under an implied promise that the identity of the source would be held in confidence.

**18-10-03**

**SYSTEM NAME:**

Non-Federal Auditor Referral, Suspension, and Debarment File.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Audit Services, Office of Inspector General, U.S. Department of Education, 330 C Street, SW., Room 4200, Switzer Building, Washington, DC 20202-1510.

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

Auditors and audit firms not employed by the Federal government whom the Office of Inspector General has referred to State boards of accountancy or professional associations and/or suspended or debarred for violations of generally accepted auditing standards or generally accepted government auditing standards in connection with audits of federally assisted education programs.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information relating to the audit activity which led to the referral, suspension or debarment action, including the referral, suspension or debarment documents; and records on the status of each referral.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

The Inspector General Act of 1978, as amended (5 U.S.C. Appendix 3, 4(a)(1) and 4(b)(1)(C)) and 34 CFR part 85, the Nonprocurement Debarment and Suspension Regulations.

**PURPOSE(S):**

This system of records is maintained for the general purpose of enabling the OIG to fulfill the requirements of section (4)(b)(1)(C) of the Inspector General Act of 1978, 5 U.S.C. Appendix 3, 4(b)(1)(C) which requires Federal Inspectors General, including the Department Inspector General, to take appropriate steps to assure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General. Records are used to document OIG actions with regard to open and closed referrals, suspensions or debarments by the OIG; to produce statistical data; and to share information with Federal, State and professional organizations which are also responsible for maintaining or monitoring adherence to audit standards.

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

As provided in the Education Department's Privacy Act regulations (34 CFR 5b.1(j)), the following routine uses are authorized without the consent of the individual, but only for a purpose which is compatible with the purpose for which the record was collected:

(1) *Audit oversight and referral disclosure.* A record from this system of records may be disclosed to other Federal agencies, the General Accounting Office, State agencies responsible for audit oversight, and the American Institute of Certified Public Accountants to make referrals regarding inadequate audits performed by independent auditors, to track the result of proceedings against those auditors, and to inform these agencies if prior referrals have been made under this routine use.

(2) *Suspension and debarment disclosure.* A record from this system of records may be disclosed, as authorized under section 3 of Executive Order 12549 for purposes of suspending and debarment an auditor pursuant to 34 CFR part 85.

(3) *Disclosure to auditee.* A record from this system of records may be disclosed to the auditee which was the subject of audit oversight by the Department OIG.

(4) *Engagement disclosure.* A record from this system of records may be disclosed to a contractor or grantee of the Department or other participant in

Department programs which may be contemplating engaging the firm or individual named in the record to perform auditing or related services pertaining to federally assisted education programs, unless the entities to which the Assistant Inspector General for Audit Services has made a referral under routine use number 1, decline to take action against the auditor or act to exonerate the auditor.

(5) *Disclosure to Public and Private Entities To Obtain Information.* A record from this system of records may be disclosed to public or private sources to the extent necessary to obtain information from those sources relevant to an OIG audit oversight activity, referral action, suspension and debarment action, investigation, audit, inspection, or other activity.

(6) *Enforcement disclosure.* In the event that any records from this system of records, either alone or in combination with any other information, indicate a violation or potential violation of criminal or civil law or regulation, the Department may disclose information from this system of records as a routine use 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 of the receiving entity.

(7) *Disclosure to the Department of Justice.* A record may be disclosed from this system of records to the Department of Justice to the extent necessary for obtaining its advice on any matter relevant to an OIG investigation, audit, inspection, or other inquiry related to the responsibilities of the OIG.

(8) *Hiring/contracting disclosure.*

(a) *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 to perform audit services, the issuance of a security clearance, or the letting or continuation of a contract to perform audit services by the Department or by any recipient of Federal funds administered by the Department or its agent.

(b) *Other Federal agencies.* A record from this system of records may be disclosed to a Federal agency, in connection with the hiring or retention of an employee to perform audit

services, the issuance of a security clearance, the letting or continuation of a contract to perform audit services by the agency or by any recipient of Federal funds, or the issuance of a license, grant, or other benefit by the recipient agency.

(9) *Litigation disclosure.*

(a) *Disclosure to the Department of Justice.* A record from this system of records may be disclosed to the Department of Justice if the record is relevant and necessary to litigation. Such a disclosure may be made in the event that one of the parties listed below is involved in the litigation, or has an interest in the litigation:

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

(ii) Any employee of the Department in his or her official capacity;

(iii) Any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee; or

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

(b) *Other litigation disclosure.* A record from this system of records may be disclosed to a court or adjudicative body, to a party, counsel or witnesses, in the course of the litigation or related settlement proceedings. Such disclosure may be made in the event that a person or entity listed below is a party to the litigation, or has an interest in the litigation:

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

(ii) Any employee of the agency in his or her official capacity;

(iii) Any employee of the Department in his or her individual capacity where the agency has agreed to represent the employee; or

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

(9) *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.

(10) *Employee grievance, complaint or conduct disclosure.* The Department may disclose a record in this system of records to another agency of the Federal government if the record is relevant to one of the following proceedings regarding a present or former employee of the Department: Complaint, grievance, discipline or competence

determination proceedings. The disclosure may only be made during the course of the proceeding.

(11) *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.

**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:**

Records are maintained in file folders and/or microcomputer disk.

**RETRIEVABILITY:**

Records are indexed and retrieved by name of individuals, firms or other professional associations.

**SAFEGUARDS:**

Records are secured in file cabinets and are locked in offices after office hours.

**RETENTION AND DISPOSAL:**

Records are maintained and destroyed in accordance with the Department's Records Disposition Schedule (ED/RDS, Part 16). A copy of the ED/RDS can be obtained from the system manager at the address below.

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

Assistant Inspector General for Audit Services, Office of Inspector General, U.S. Department of Education, 400 Maryland Avenue, SW., Switzer Building, Washington, DC 20202-1510.

**NOTIFICATION PROCEDURE:**

Individuals wishing to know if they are named in this system of records must submit a written request to the system manager. Requests must reasonably specify the system of records containing the information and the particular record contents being sought. For a complete statement of notification procedures, see the regulations, 34 CFR 5b.5.

**RECORD ACCESS PROCEDURES:**

Individuals wishing to gain access to a record in this system of records must submit a written request to the system manager. Requests must reasonably

specify the system of records containing the information, the particular record contents being sought, and the reason for the request. For a complete statement of notification procedures, see the regulations, 34 CFR 5b.5.

**CONTESTING RECORD PROCEDURES:**

Individuals desiring to contest information contained in a record in this system of records should contact the system manager. Requests must be made either in writing or in person, and must specify: (1) The system of records from which the record is to be retrieved; (2) the particular record which the requestor is seeking to amend; (3) whether a deletion, an addition, or a substitution is being sought; and (4) the reason(s) for the requested change(s). Requestors may wish to include in their requests any appropriate documentation supporting the requested change(s). For a complete statement of contesting record procedures, see the regulations, 34 CFR 5b.7.

**RECORD SOURCE CATEGORIES:**

Information contained in the system will be obtained principally from OIG employees. Information regarding the status of referral actions will be obtained from the appropriate State licensing board and professional organizations to which the referral was made.

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

None.

**18-10-04**

**SYSTEM NAME:**

Hotline Complaint Files of the Inspector General.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Office of Inspector General, U.S. Department of Education, 330 C Street, SW., Room 4116, Switzer Building, Washington, DC 20202-1510.

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

Categories include individuals who are sources of information or have made complaints to the OIG Hotline, individuals who allegedly have knowledge regarding wrongdoing affecting the programs and operations of the Department, and individuals about whom complaints and allegations have been made concerning wrongdoing involving the programs and operations of the Department of Education. These individuals may include, but are not limited to, current and former

Department employees, grantees, subgrantees, contractors, subcontractors, program participants, recipients of Federal funds or federally insured funds, and officers, employees, or agents of institutional recipients or program participants.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records in this system contain information obtained from complainants who report allegations of wrongdoing relating to Department of Education programs and operations. Specific data may include name and address (if available) of the complainant, the date the complaint was received, the affected program area, the nature and subject of the complaint, and any additional contacts and specific comments provided by the complainant. In addition, information on the OIG disposition of the complaint is included in the system.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Inspector General Act of 1978, as amended (IG Act), 5 U.S.C. app. 3.

**PURPOSES:**

Pursuant to the Inspector General Act, the system is maintained for the purposes of maintaining a record of complaints and allegations received concerning Department of Education programs and operations and concerning the disposition of those complaints and allegations.

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

The Department of Education may disclose information contained in a record in this system of records without the consent of the individual if the disclosure is compatible with the purpose for which the record was collected, under the following routine uses:

(1) *Disclosure for Use by Other Law Enforcement Agencies.* In the event that any records from this system of records, either by themselves or in combination with any other information, indicate a violation or potential violation of criminal or civil law or regulation, the Department may disclose information from this system of records as a routine use 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 of the receiving entity.

(2) *Litigation Disclosure.*

(a) *Introduction.* In the event that one of the following parties is involved in litigation, or has an interest in litigation, the Department may disclose certain records to the parties described in paragraphs (2), (3), and (4) of this routine use under the conditions specified in those paragraphs:

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

(ii) Any Department employee in his or her official capacity; or

(iii) Any employee of the Department in his or her individual capacity if the Department of Justice has agreed to provide or arrange for representation for the employee; or

(iv) Any employee of the Department in his or her individual capacity if the agency has agreed to represent the employee; or

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

(b) *Disclosure to the Department of Justice.* If the Department determines that disclosure of certain records to the Department of Justice or attorneys engaged by the Department of Justice is relevant and necessary to litigation, the Department may disclose those records as a routine use to the Department of Justice.

(c) *Administrative Disclosures.* If the Department determines that disclosure of certain records to an adjudicative body before which the Department is authorized to appear or to an individual or an entity designated by the Department or otherwise empowered to resolve 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) *Opposing Counsels, Representatives, and Witnesses.* If the Department determines that disclosure of certain records to an opposing counsel, representative, or witness in an administrative proceeding is relevant and necessary to the litigation, the Department may disclose those records as a routine use to the counsel, representative, or witness.

(3) *Disclosure to Public and Private Entities to Obtain Information Relevant to the Department's OIG Functions and Duties.* The Department may disclose information from this system of records as a routine use to public or private sources to the extent necessary to obtain information from those sources relevant to a Department of Education/OIG investigation, audit, inspection, or other inquiry.

(4) *Disclosure to Public and Private Sources in Connection with the Higher*

*Education Act of 1965, as amended (HEA).* The Department may disclose information from this system of records as a routine use to any accrediting agency that is or was recognized by the Secretary of Education pursuant to the HEA, to any guarantee agency that is or was a party to an agreement with the Secretary of Education pursuant to the HEA, or to any agency that is or was charged with licensing or legally authorizing the operation of any educational institution or school that was eligible, is currently eligible, or may become eligible to participate in any program of Federal student assistance authorized by the HEA.

(5) *Disclosure to the Department of Justice.* The Department may disclose information from this system of records as a routine use to the Department of Justice to the extent necessary for obtaining its advice on any matter relevant to an OIG investigation, audit, inspection, or other inquiry related to the responsibilities of the OIG.

(6) *Congressional 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.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

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

**STORAGE:**

The records are maintained in complaint files, computer mainframe files, and computer-printed listings.

**RETRIEVABILITY:**

Hard copy records are organized by and retrievable by the assigned Hotline number. The computer files are indexed and retrievable by Hotline number, name of complainant, and the name of the subject or subjects.

**SAFEGUARDS:**

Records are maintained in locked file cabinets or in metal file cabinets in secured rooms or premises to which access is limited to those persons whose official duties require access. Computer terminals are secured in controlled areas that are locked when unoccupied. Access to automated records is limited to authorized personnel who must use a password system to gain access.

**RETENTION AND DISPOSAL:**

Hotline records not resulting in investigations are destroyed when five years old, in accordance with the Department's Records Disposition Schedules (ED/RDS, part 16). Investigative case files are destroyed 10 years after close-out in accordance with the Department's Records Disposition Schedules (ED/RDS, Part 16).

**SYSTEM MANAGER AND ADDRESS:**

Assistant Inspector General for Investigation Services, Office of Inspector General, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4106, Switzer Building, Washington, DC 20202-1510.

**NOTIFICATION PROCEDURE:**

See Systems Exempted. As provided in 34 CFR 5b.11(f), the notification procedures are not applicable to Hotline files except at the discretion of the Inspector General. The notification procedures are applicable to non-criminal files only under the conditions in 34 CFR 5b.11(f)(2). To the extent these procedures apply to the Department of Education Hotline Complaint Files, they are governed by 34 CFR 5b.5.

**RECORD ACCESS PROCEDURES:**

See Notification Procedure.

**CONTESTING RECORD PROCEDURES:**

Not applicable. See Systems Exempted.

**RECORD SOURCE CATEGORIES:**

Complainants who include, but are not limited to, current and former employees of the Department, employees of other Federal agencies, employees of State and local agencies, private individuals, and officers and employees of non-governmental organizations that are involved with Department programs, contracts, or funds or have knowledge about Department programs, contracts, or funds.

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

The Secretary has by regulations exempted the Hotline Complaint Files of the Inspector General from the following provisions of the Privacy Act:

(1) Pursuant to 5 U.S.C. 552a(j)(2):

(a) 5 U.S.C. 552a(c)(3), regarding access to an accounting of disclosures of a record.

(b) 5 U.S.C. 552a(c)(4), regarding notification to outside parties and agencies of correction or notation of dispute made in accordance with 5 U.S.C. 552a(d).

(c) 5 U.S.C. 552a(d)(1) through (4) and (f), regarding notification or access to

records and correction or amendment of records.

(d) 5 U.S.C. 552a(e)(1), regarding maintaining only relevant and necessary information.

(e) 5 U.S.C. 552a(e)(2), regarding collection of information from the subject individual.

(f) 5 U.S.C. 552a(e)(3), regarding notice to individuals asked to provide a record to the Department.

(g) 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.

(h) 5 U.S.C. 552a(e)(5), regarding maintaining records with requisite accuracy, relevance, timeliness, and completeness.

(i) 5 U.S.C. 552a(e)(8), regarding service of notice on subject individual if a record is made available under compulsory legal process if that process becomes a matter of public record.

(j) 5 U.S.C. 552a(g), regarding civil remedies for violation of the Privacy Act.

(2) Pursuant to 5 U.S.C. 552a(k)(2):

(a) 5 U.S.C. 552a(c)(3), regarding access to an accounting of disclosures of records.

(b) 5 U.S.C. 552a(d)(1) through (4) and (f), regarding notification of and access to records and correction or amendment of records.

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

(d) 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.

18-11-01

**SYSTEM NAME:**

Federal Student Aid Application File.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Application & Pell Processing Systems Division, Office of Student Financial Assistance Programs, U.S. Department of Education, Seventh and D Streets, SW., Room 4621, ROB-3, Washington, DC 20202-5459.

Federal Student Aid Application Processing Center, Iowa City, IA 52240.

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

This system contains records on students applying for Federal student financial assistance under Title IV of the Higher Education Act of 1965 (HEA).

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system consists of the name, address, birth date, Social Security number, and financial data necessary to identify applicants, verify applicant data, and calculate their expected family contributions for Federal student financial assistance. In addition, information on the student's prior Pell Grant awards and student loan status from the National Student Loan Data System (NSLDS) database is maintained in the system.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title IV of the Higher Education Act of 1965, as amended.

**PURPOSE(S):**

Information contained in this system is maintained for the purposes of: (1) Determining an applicant's eligibility for the Federal student financial assistance programs authorized by title IV of the HEA; (2) Maintaining a record of the data supplied by those requesting assistance; (3) Documenting the results of an applicant's need analysis and Pell Grant eligibility; (4) Reporting the results of the need analysis and Pell Grant eligibility determination to applicants, postsecondary institutions, and State agencies designated by the applicant, and to other Departmental and investigative components for use in operating and evaluating the title IV, HEA programs and in the imposition of criminal, civil or administrative sanctions; and (5) Acting as a repository and source for information necessary to fulfill the requirements of title IV of the HEA.

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

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 institutions of postsecondary education.* The Department may disclose identifying information, financial data, and expected family contributions of applicants to those institutions of postsecondary education (or their designated agents) in which the applicants plan to enroll or are enrolled.

Disclosure of such information is made only to postsecondary institutions that are listed by the applicant on the Federal Student Aid Application file.

(2) *Disclosure to State agencies.* The Department may disclose the data described in paragraph (1) to State agencies having agreements with the Secretary for purposes of coordinating student aid.

(3) *Disclosure to parents and spouses.* The Department, upon request, may disclose information that is provided by parents or spouses on the application form to those individuals.

(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) *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.

(6) *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.

(c) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

(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) *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.

(9) *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.

#### DISCLOSURE TO CONSUMER REPORTING AGENCIES:

*Disclosures pursuant to 5 U.S.C. 552a(b)(12):* The Department may disclose to a consumer reporting agency information regarding a claim by the Department which is determined to be valid and overdue as follows: (1) The

name, address, taxpayer identification number and other information necessary to establish the identity of the individual responsible for the claim; (2) the amount, status, and history of the claim; and (3) the program under which the claim arose. The Department may disclose the information specified in this paragraph under 5 U.S.C. 552a(b)(12) and the procedures contained in subsection 31 U.S.C. 3711(e). A consumer reporting agency to which these disclosures may be made is defined at 31 U.S.C. 3701(a)(3).

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

##### STORAGE:

Original applications are maintained in standard Federal Records Center boxes in locked storage rooms within the facility of the Application for Federal Student Aid Processor. Computerized applicant records are maintained on magnetic tape reels, cartridges and hard disks in the computer facility and locked storage rooms within the Federal Student Aid Application Central Processing Center. Microfiche records maintained in the Washington, DC office are locked in standard file cabinets.

##### RETRIEVABILITY:

Records are indexed by Social Security number and the first two letters of the applicant's last name.

##### SAFEGUARDS:

Records are available to staff of the Student Financial Assistance Programs (including appropriate contract support staff). The Department will mail an Electronic Access Code (EAC) directly to certain students who have used the World Wide Web to electronically file a Free Application for Federal Student Aid (FAFSA). The student uses the EAC to complete their renewal Free Application for Federal Student Aid (FAFSA) via the Internet. Physical access to the data systems housed within the facility is controlled by a computerized badge reading system, and the entire complex is patrolled by security personnel during nonbusiness hours. The computer system employed by the Department offers a high degree of resistance to tampering and circumvention. Multiple levels of security are maintained within the computer system control program. This security system limits data access to Department and contract staff on a "need-to-know" basis, and controls individual users' ability to access and alter records within the system. All users of this system of records are given

a unique user ID with personal identifiers. All interactions by individual users with the system are recorded.

##### RETENTION AND DISPOSAL:

Original records are maintained and stored in a Federal Records Center. Grant aid records are kept for a period not to exceed fifteen years after payment or audit of the grantee, whichever comes sooner; and loan records are kept three years after cancellation or repayment of a loan, in accordance with the Department of Education Records Disposition Schedules (ED/RDS).

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

Director, Application & Pell Processing Systems Division, Office of Student Financial Assistance Programs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4621, ROB-3, Washington, DC 20202-5459.

##### NOTIFICATION PROCEDURE:

A copy of the applicant's record, known as the Student Aid Report, is mailed to the applicant's home address after the application information has been processed. If you wish to determine whether a record exists regarding you in the system of records, contact the system manager and provide your name, date of birth, and Social Security number or call 1-800-4-FED-AID (1-800-433-3243) and give the same information. Requests for notification about whether the system of records contains information about an individual 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 in this system, contact the system manager and provide information as described in the Notification Procedure. Requests by an individual for access to a record must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

##### CONTESTING RECORD PROCEDURES:

If you wish to change the content of a record in the system of records (for the current Free Application for Federal Student Aid (FAFSA)), contact the system manager with the information described in the Notification Procedure, identify the specific items to be changed, and provide a justification for the change. Requests to amend a record must meet the requirements of regulations at 34 CFR 5b.7.

##### RECORD SOURCE CATEGORIES:

Applicants for Federal student financial aid provide the information



used in this system by filing a Free Application for Federal Student Aid (FAFSA) with the Department of Education. (For students who have access to the Internet, the Free Application for Federal Student Aid (FAFSA) is available on the world wide web (located at [www.fafsa.ed.gov](http://www.fafsa.ed.gov)). Although students using the web site are required to send in a paper signature page and students must update their information each year, applying electronically using the Internet is less burdensome than applying on paper.)

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

None.

**18-11-02**

**SYSTEM NAME:**

Recipient Financial Management System.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Central Computer Facility, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202.

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

This system contains records on all Pell Grant Recipients.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system consists of the names, addresses, birth dates, Social Security numbers, financial data, and status of award for Pell Grant recipients.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title IV-A of the Higher Education Act of 1965.

**PURPOSE(S):**

The information in this system is used to prepare processed student payment data for submission to schools or their agents in order to verify payments made to students.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND 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) *Program Disclosures.* Any information from this system of records, including personal information obtained from other agencies through computer matching programs, may be disclosed to any third party through a computer matching program in connection with an individual's application or participation in any grant or loan program administered by the Department. Purposes of these disclosures may be to determine program eligibility and benefits, enforce the conditions and terms of the loan or grant, permit the servicing and collecting of the loan or grant, counsel the individual in repayment efforts, investigate possible fraud and verify compliance with program regulations, locate a delinquent or defaulted debtor, and initiate legal action against an individual involved in program fraud or abuse.

(2) *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.

(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.

(c) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

*Disclosures pursuant to 5 U.S.C. 552a(b)(12):* The Department may disclose to a consumer reporting agency information regarding a claim which is determined to be valid and overdue as follows: (1) The name, address, taxpayer identification number and other information necessary to establish the identity of the individual responsible for the claim; (2) the amount, status, and history of the claim; and (3) the program under which the claim arose. The Department may disclose the information specified in this paragraph under 5 U.S.C. 552a(b)(12) and the procedures contained in subsection 31 U.S.C. 3711(f). A consumer-reporting agency to which these disclosures may be made is defined at 31 U.S.C. 3701 (a)(3).

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

**STORAGE:**

Origination and disbursement reports are now stored electronically. Decrease award and audit reports are maintained in hard copy.

**RETRIEVABILITY:**

Records are indexed by institution and by recipient name and Social Security number within school.

**SAFEGUARDS:**

Direct access is restricted to authorized staff. A computerized badge reading system controls physical access to the records housed within the facility.

**RETENTION AND DISPOSAL:**

Original copies are maintained until fiscal year funds are closed out and then are stored at the Federal Records Center.

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

Director, Student Aid Origination Team, Programs Systems Service, 400 Maryland Avenue, SW., Washington, DC 20202.

**NOTIFICATION PROCEDURE:**

A student who has received a Federal Pell Grant, should presume that a record exists. If you wish to determine whether a record exists regarding you in the system of records, contact the system manager and provide your name, social security number and date of birth. 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 in this system, you should contact the system manager and provide information as described in the Notification Procedure. 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 change the content of a record in the system of records, you should contact the system manager with the information described in the Notification Procedure, identify the specific items to be changed and provide a written justification for the change. Your request must meet the requirements of the regulations at 34 CFR 5b.7.

**RECORD SOURCE CATEGORIES:**

Information in this system is obtained from origination and disbursement records provided by the school or its agent to the Department of Education.

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

None.

18-11-03

**SYSTEM NAME:**

Student Financial Assistance Validation File.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Debt Collection, Division of Certification and Program Review, Office of Student Financial Assistance Programs, U.S. Department of Education, Seventh and D Streets, SW., Room 4520, ROB-3, Washington, DC 20202.

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

This system contains records on applicants and recipients of student financial assistance.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system consists of student financial assistance application, award and servicing forms and documentation.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title IV of the Higher Education Act of 1965.

**PURPOSE(S):**

The information in this system is used to determine program eligibility and benefits, enforce the conditions and terms of the loan or grant, permit the servicing and collecting of the loan or grant, counsel the individual in repayment efforts, investigate possible fraud and verify compliance with program regulations, locate a delinquent or defaulted debtor, and initiate legal action against an individual involved in program fraud or abuse.

**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) *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.

(c) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

(2) *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.

(3) *Program Disclosures.* Any information from this system of records, including personal information obtained from other agencies through computer matching programs, may be disclosed to any third party through a computer matching program in connection with an individual's application or participation in any grant or loan program administered by the Department of Education. Purposes of these disclosures may be to determine program eligibility and benefits, enforce the conditions and terms of the loan or grant, permit the servicing and collecting of the loan or grant, counsel the individual in repayment efforts, investigate possible fraud and verify compliance with program regulations, locate a delinquent or defaulted debtor, and initiate legal action against an individual involved in program fraud or abuse.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

*Disclosures pursuant to 5 U.S.C. 552a(b)(12):* The Department may disclose to a consumer reporting agency information regarding a claim which is

determined to be valid and overdue as follows: (1) The name, address, taxpayer identification number and other information necessary to establish the identity of the individual responsible for the claim; (2) the amount, status, and history of the claim; and (3) the program under which the claim arose. The Department may disclose the information specified in this paragraph under 5 U.S.C. 552a(b)(12) and the procedures contained in subsection 31 U.S.C. 3711(f). A consumer reporting agency to which these disclosures may be made is defined at 31 U.S.C.3701(a)(3).

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

**STORAGE:**

Records are maintained in standard file cabinets.

**RETRIEVABILITY:**

Records are indexed by name.

**SAFEGUARDS:**

Access is restricted to authorized staff only and files are maintained in locked cabinets.

**RETENTION AND DISPOSAL:**

Records are maintained until resolved and then transferred to the Federal Records Center.

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

Director, Division of Certification and Program Review, Office of Student Financial Assistance Programs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4520, ROB-3, Washington, DC 20202.

**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:**

Information in this system is obtained from application data, incoming correspondence and related material, obtained during course of investigation; Program System Service (PSS), National Student Loan Data Systems Division (NSLDS).

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

None.

18-11-05

**SYSTEM NAME:**

Title IV Program Files.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Program System Service, Office of Student Financial Assistance Programs, U.S. Department of Education, Seventh and D Streets, SW., Room 4640, ROB-3, Washington, DC 20202-5258.

Computer Sciences Corporation, Meridan, Connecticut.

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

This system contains records on the following individuals:

- (1) Individuals who apply for Federal financial student aid;
- (2) Recipients of Pell Grants;
- (3) Recipients of Federal Direct Student Loans; and
- (4) Borrowers whose loan defaulted or borrower died, became disabled or had a loan discharged in bankruptcy under the Federal Direct Student Loan Program.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system contains records regarding the amount of Pell Grant applicant receives; applicant's demographic background, loan, and educational status; family income; Social Security number; address and telephone number; and employment information on borrowers and co-signers; default claim number; amount of claim; information pertaining to locating a borrower; collection and repayment history; information pertaining to the amount of the loan and repayment obligation; forbearance; cancellation; disability; and deferment information.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Higher Education Act of 1965, Titles IV-A, IV-B, IV-D, and IV-E, as amended (20 U.S.C. 1070-1070a-6, 1070b-1070b-3, 1071-1087-2, 1087a, 1087aa-hh).

**PURPOSE(S):**

The information maintained in this system is used for the purposes of determining program eligibility and benefits, verifying the identity of the individual, enforcing the conditions and terms of the loan or grant, permitting the servicing and collecting of the loan or grant, counseling the individual in repayment efforts, investigating possible fraud and verifying compliance with program regulations, locating a delinquent or defaulted debtor or locating a recipient owing an overpayment on a grant, initiating legal action against an individual involved in program fraud, abuse, or noncompliance, and enforcing Title IV requirements against schools, lenders, and guaranty agencies.

**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 without the consent of the individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

(1) *Program Disclosures.* ED may disclose records for the following program purposes:

(a) To verify the identity of the applicant, disclosures may be made to guaranty agencies, educational and financial agencies or institutions, Federal, State or local agencies, private parties such as relatives, present and former employers and creditors, contractors, business and personal associates and consumer reporting agencies.

(b) To determine program eligibility and benefits, disclosures may be made to guaranty agencies, educational and financial agencies or institutions, Federal, State or local agencies, private parties such as relatives, present and former employers and creditors, contractors, business and personal associates and consumer reporting agencies.

(c) To facilitate default reduction efforts by program participants, disclosures may be made to guaranty agencies, educational and financial agencies or institutions, Federal, State or local agencies, consumer reporting agencies, contractors and hearing officials.

(d) To enforce the conditions or terms of the loan, disclosures may be made to guaranty agencies, educational and financial agencies or institutions, Federal, State or local agencies, private parties such as relatives, present and

former employers and creditors, business and personal associates, consumer reporting agencies, contractors and hearing officials.

(e) To enforce the conditions or terms of the grant, disclosures may be made to educational and financial agencies or institutions, Federal, State or local agencies, private parties such as relatives, present and former employers and creditors, business and personal associates, consumer reporting agencies, contractors and hearing officials.

(f) To permit servicing, collecting or accepting the loan, disclosures may be made to guaranty agencies, educational and financial agencies or institutions, Federal, State or local agencies, private parties such as relatives, present and former employers and creditors, business and personal associates, consumer reporting agencies, contractors and hearing officials.

(g) To permit collecting overpayment on grants, disclosures may be made to, educational and financial agencies or institutions, Federal, State or local agencies, private parties such as relatives, present and former employers and creditors, business and personal associates, consumer reporting agencies, contractors and hearing officials.

(h) To counsel the borrower in repayment efforts, disclosures may be made to guaranty agencies, educational and financial agencies or institutions, contractors and Federal, State or local agencies.

(i) To investigate possible fraud and verify compliance with loan program regulations, disclosures may be made to guaranty agencies, educational and financial agencies or institutions, Federal, State or local agencies, private parties such as relatives, present and former employers and creditors, business and personal associates, consumer reporting agencies, contractors and hearing officials.

(j) To investigate possible fraud and verify compliance with grant program regulations, disclosures may be made to educational and financial agencies or institutions, Federal, State or local agencies, private parties such as relatives, present and former employers and creditors, business and personal associates, consumer reporting agencies, contractors and hearing officials.

(k) To locate a delinquent or defaulted borrower, disclosures may be made to guaranty agencies, educational and financial agencies or institutions, Federal, State or local agencies, private parties such as relatives, present and former employers and creditors, business and personal associates, consumer reporting agencies, contractors and hearing officials.

(l) To locate an individual who owes a refund on a grant, disclosures may be made to educational and financial agencies or institutions, Federal, State or local agencies, private parties such as relatives, present and former employers and creditors, business and personal associates, consumer reporting agencies, contractors and hearing officials.

(m) To issue collection letters to defaulted borrowers, disclosures may be made to guaranty agencies, educational and financial agencies or institutions, Federal, State or local agencies, private parties such as relatives, present and former employers and creditors, business and personal associates, consumer reporting agencies, contractors and hearing officials.

(n) To issue collection letters to an individual who owes a refund on a grant, disclosures may be made to educational and financial agencies or institutions, Federal, State or local agencies, private parties such as relatives, present and former employers and creditors, business and personal associates, consumer reporting agencies, contractors and hearing officials.

(o) To locate a missing borrower, disclosures may be made to guaranty agencies, educational and financial agencies or institutions, Federal, State or local agencies, private parties such as relatives, present and former employers and creditors, business and personal associates, consumer reporting agencies, contractors and hearing officials.

(p) To locate a missing individual who owes a refund on a grant, disclosures may be made to educational and financial agencies or institutions, Federal, State or local agencies, private parties such as relatives, present and former employers and creditors, business and personal associates, consumer reporting agencies, contractors and hearing officials.

(q) To collect in-file history information and to determine assets and ability to pay a loan debt, disclosures may be made to guaranty agencies, educational and financial agencies or institutions, Federal, State or local agencies, private parties such as relatives, present and former employers and creditors, business and personal associates, consumer reporting agencies, contractors and hearing officials.

(r) To collect in-file history information and to determine assets and ability to refund an overpayment, disclosures may be made to educational and financial agencies or institutions, Federal, State or local agencies, private parties such as relatives, present and former employers and creditors, business and personal associates,

consumer reporting agencies, contractors and hearing officials.

(s) To determine last known address, disclosures may be made to guaranty agencies, educational and financial agencies or institutions, Federal, State or local agencies, private parties such as relatives, present and former employers and creditors, business and personal associates, consumer reporting agencies, contractors and hearing officials.

(t) To conduct a salary offset hearing under 34 CFR Part 31, disclosures may be made to Federal agencies, contractors and hearing officials.

(u) To prepare for litigation or to litigate collection service and audit, disclosures may be made to guaranty agencies, Federal, State or local agencies, contractors and hearing officials.

(v) To initiate a limitation, suspension and termination (LS&T) or debarment or suspension action, disclosures may be made to guaranty agencies, educational and financial agencies or institutions and hearing officials.

(w) To ensure Title IV requirements are met by schools, lenders and guaranty agencies, disclosures may be made to guaranty agencies, educational and financial agencies or institutions, Federal, State or local agencies, and hearing officials.

(x) To verify death, disclosures may be made to guaranty agencies, educational and financial agencies or institutions, private parties such as relatives, present and former employers and creditors, business and personal associates, consumer reporting agencies, contractors and Federal, State or local agencies.

(y) To conduct credit checks, disclosures may be made to guaranty agencies, educational and financial agencies or institutions, private parties such as relatives, present and former employers and creditors, business and personal associates, consumer reporting agencies, contractors and Federal, State or local agencies.

(z) To investigate complaints, update files, and correct errors, disclosures may be made to guaranty agencies, educational and financial agencies or institutions, Federal, State or local agencies, private parties such as relatives, present and former employers and creditors, business and personal associates, consumer reporting agencies, contractors and hearing officials.

(2) *Feasibility Study Disclosure.* Any information from this system of records may be disclosed to other Federal agencies and to guaranty agencies to determine whether computer matching programs should be conducted by the Department regarding an individual's

application for or participation in any grant or loan program administered by the Department. Purposes of these disclosures may be to determine program eligibility and benefits, facilitate default reduction efforts, enforce the conditions and terms of a loan or grant, permit the servicing and collecting of the loan or grant, enforce debarment, suspension, and exclusionary actions, counsel the individual in repayment efforts, investigate possible fraud and verify compliance with program regulations, locate a delinquent or defaulted debtor, and initiate legal action against an individual involved in program fraud or abuse.

(3) *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 relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether foreign, Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or executive order or rule, regulation, or order issued pursuant thereto if the information is relevant to any enforcement, regulatory, investigative, or prosecutive responsibility of the receiving entity.

(4) *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.

(c) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

(5) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record from this system of records as a routine use to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, such as current licenses, if the disclosure is necessary to obtain a record the Department believes may be relevant to a Department decision concerning the hiring, retention of, or any personnel action concerning an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies and Professional Licensing Organizations.* The Department may disclose information from this system of records as a routine use to a Federal, State, local, or foreign agency or other public authority or professional licensing organization, 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.

(6) *Employee Grievance, Complaint or Conduct Disclosure.* If a record maintained in this system of records is relevant to an employee grievance or complaint or employee discipline or competence determination proceedings of another party of the Federal Government, the Department may disclose the record as a routine use in the course of the proceedings.

(7) *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 Department will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed as a routine use to such an organization.

(8) *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 or performing any other function with respect to the 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.

(9) *Disclosure to the Department of Justice.* The Department may disclose information from this system of records as a routine use to the Department of Justice to the extent necessary for obtaining its advice on any matter relevant to an audit, inspection, or other inquiry related to the Department's responsibilities under Title IV of the Higher Education Act of 1965.

(10) *Research Disclosure.* When the appropriate official of the Department determines that an individual or organization is qualified to carry out specific research, that official may disclose information from this system of records to that researcher solely for the purpose of carrying out that research. The researcher shall be required to maintain Privacy Act Safeguards with respect to such records.

(11) *Computer Matching Disclosure.* Any information from this system of records, including personal information obtained from other agencies through computer matching programs, may be disclosed to any third party through a computer matching program in connection with an individual's application for, or participation in, any grant or loan program administered by the Department. The purposes of these disclosures may be to determine program eligibility and benefits, enforce the condition and terms of a loan or grant, permit the servicing and collecting of the loan or grant, prosecute or enforce debarment, suspension, and exclusionary actions, counsel the individual in repayment efforts, investigate possible fraud and verify compliance with program regulations, locate a delinquent or defaulted debtor, and initiate legal action against an individual involved in program fraud or abuse.

Among other disclosures, this routine use authorizes disclosure to any other Federal agency, including the Defense Manpower Data Center, Department of

Defense, for the purposes of identifying and locating individuals who are delinquent in their repayment of debts owed to the U.S. Government under Title IV, HEA programs of the Department, in order to collect the debts under the provisions of the Debt Collection Act of 1982 (including 31 U.S.C. Chapter 37 and 5 U.S.C. 5514) and 31 CFR Part 31 by voluntary repayment or by administrative or salary offset.

(13) *Freedom of Information Act (FOIA) Advice Disclosure.* In the event that 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 or the Office of Management and Budget for the purpose of obtaining their advice.

(14) *Congressional Member Disclosure.* The 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 the which the record was collected. The member's right to the information is no greater than the right of the individual who requested it.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

*Disclosures pursuant to 5 U.S.C. 552a(b)(12):* The Department may disclose to a consumer reporting agency information regarding a claim which is determined to be valid and overdue as follows: (1) The name, address, social security number, and other information necessary to establish the identity of the individual responsible for the claim; (2) the amount, status, and history of the claim; and (3) the program under which the claim arose. The Department may disclose the information specified in this paragraph under 5 U.S.C. 552a(b)(12) and the procedures contained in 31 U.S.C. 3711(f). A consumer reporting agency to which these disclosures may be made is defined at 15 U.S.C. 1681a(f) and 31 U.S.C. 3701(a)(3).

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

**STORAGE:**

The records are maintained in either hard copy, microfilm, magnetic tape, or other electronic media.

**RETRIEVABILITY:**

The file is indexed by Social Security number or name. Data for loans made

under the Federal Direct Student Loan Program, FISL Program, Federal Perkins Loan (formerly National Direct Student Loan) Program, Federal Pell Grant Program, and some FFELs are retrievable by Social Security number.

**SAFEGUARDS:**

All physical access to the Department of Education site, and the sites of Department contractors 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.

The computer system employed by the Department of Education offers a high degree of resistance to tampering and circumvention. This security system limits data access to Department of Education and contract staff on a "need-to-know" basis, and controls individual users' ability to access and alter records within the system. All users of this system of records are given a unique user ID with personal identifiers. All interactions by individual users with the system are recorded.

**RETENTION AND DISPOSAL:**

Records of individual loans may be destroyed five years after cancellation, forgiveness or final repayment of the loan. Records of Federal Supplemental Educational Opportunity Grant recipients may be destroyed five years after the fiscal operations report is filed. Records of Federal Pell Grant recipients may be destroyed five years after the initial award year has ended, as set forth in appropriate record retention schedules.

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

Director, Program Systems Service, Office of Student Financial Assistance Programs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4640, ROB-3, Washington, DC 20202-5258.

**NOTIFICATION PROCEDURE:**

If you wish to determine whether a record exists regarding you in the system of records, you should provide to the system manager your name, date of birth, Social Security number, and the name of the school or lender from which the loan or grant was obtained. 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 in this system, you should contact the system manager and provide information as described in the

Notification Procedure. Requests by an individual for access to a record must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

**CONTESTING RECORD PROCEDURES:**

If you wish to change the content of a record in the system of records, contact the system manager with the information described in the Notification Procedure, identify the specific items 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 reports from borrowers and their families, lenders, schools, examining or treating physicians, employers, credit agencies, Federal and State governmental agencies, and State or private nonprofit guaranty agencies. However, lenders and guaranty agencies are not a source of information for participants in the Federal Direct Student Loan Program, since the Department maintains individual records of borrowers for this program.

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

None.

18-11-07

**SYSTEM NAME:**

Student Financial Assistance Collection Files.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATIONS:**

Program Systems Support, Office of Student Financial Assistance Programs, U.S. Department of Education, Seventh and D Streets, SW., Room 4640, ROB-3, Washington, DC 20202-5258. See the Appendix to this system notice for additional system locations.

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

This system contains records on those individuals who have student loans made under the Federal Family Education Loan (FFEL) Program: Stafford Loans (formerly the Guaranteed Student Loan Program (GSL), including Federally Insured Student Loans (FISL)), Supplemental Loans for Students (SLS), PLUS Loans (formerly Parental Loans for Undergraduate Students), and Consolidation Loans; the William D. Ford Federal Direct Student Loan (Direct Loan) Program (formerly known as the Stafford/Ford Loan

Program (SFLP), Federal Direct Unsubsidized Stafford/Ford Loan Program, Federal Direct Consolidation Loan, and Federal Direct Plus Loans; and Federal Perkins Loans (formerly National Direct/Defense Student Loans (NDSL)) and those who are awarded grants under the Pell Grant Program and the Supplemental Education Opportunity Grant Program (SEOG).

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system contains records regarding an applicant's demographic background; loan, repayment history; and educational status; family income; social security number; address and telephone numbers; employment information on borrowers and co-signers; collection activity on accounts; default claim number; amount of claim; information pertaining to locating a borrower; collection and repayment obligation; forbearance; cancellation; disability; deferment; administrative wage garnishment; bankruptcy, death; close school discharge; hearings; photocopy of all promissory notes; account collection records; and administrative resolutions and litigations.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Higher Education Act of 1965, Titles IV-A, IV-B, IV-D, and IV-E, as amended, (20 U.S.C. 1070-1070a-6, 1070b-1070b-3, 1071-1087-2, 1087a, and 1087aa-hh).

**PURPOSE(S):**

The information contained in the records maintained in this system is used for the purposes of determining program eligibility and benefits, verifying the identity of the individual, enforcing the conditions and terms of the loan or grant, permitting the servicing and collecting of the loan or grant, counseling the individual in repayment efforts, investigating possible fraud and verifying compliance with program regulations, locating a delinquent or defaulted debtor or locating a recipient owing an overpayment on a grant, initiating legal action against an individual involved in program fraud, abuse, or noncompliance, and enforcing Title IV requirements against schools, lenders, and guaranty agencies.

**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) *Program Disclosures.* The Department may disclose information from this system to Federal, State, or local agencies, private parties such as relatives, present and former employers and creditors, business and personal associates, guaranty agencies, educational and financial agencies or institutions, consumer reporting agencies, contractors and hearing officials for the following purposes: (1) To verify the identity of the applicant; (2) to determine program eligibility and benefits; (3) to facilitate default reduction efforts by program participants; (4) to enforce the conditions or terms of the loan; (5) to permit servicing, collecting, or accepting the loan; (6) to counsel the borrower in repayment efforts; (7) to investigate possible fraud and verify compliance with program regulations; (8) to locate a delinquent or defaulted borrower; (9) to issue collection letters; (10) to locate a missing borrower; (11) to collect in-file history information to determine assets and ability to pay; (12) to determine last known address; (13) to conduct a salary offset hearing under 34 CFR part 31; (14) to prepare for litigation or to litigate collection service and audit; (15) to initiate a limitation, suspension, and termination (LS&T) or debarment or suspension action; (16) to ensure Title IV requirements are met by schools, lenders, and guaranty agencies; (17) to verify death; (18) to conduct credit checks; and (19) to investigate complaints, update files, and correct errors.

(2) *Feasibility Study Disclosure.* The Department may disclose information from this system of records to other Federal agencies and to guaranty agencies to determine whether computer matching programs should be conducted by the Department regarding an individual's application for or participation in any grant or loan program administered by the Department. Purposes of these disclosures may be to determine program eligibility and benefits, facilitate default reduction efforts, enforce the conditions and terms of a loan or grant, permit the servicing and collecting of the loan or grant, enforce debarment, suspension, and exclusionary actions, counsel the individual in repayment efforts, investigate possible fraud and verify

compliance with program regulations, locate a delinquent or defaulted debtor, and initiate legal action against an individual involved in program fraud or abuse.

(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 if that information 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 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) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

(6) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies and Professional Organizations.* The Department may disclose a record to a Federal, State, local, or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, 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, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(7) *Employee Grievance, Complaint or Conduct Disclosure.* The Department may disclose a record in this system of records to another agency of the Federal Government if the record is relevant to one of the following proceedings regarding a present or former employee of the Department: complaint, grievance, discipline or competence determination proceedings. The disclosure may only be made during the course of the proceeding.

(8) *Labor Organization Disclosure.* A component of the Department may disclose records to a labor organization if a contract between the component and a labor organization recognized under Title V of the United States Code,

Chapter 71, provides that the Department will disclose personal records relevant to the organization's mission. The disclosures will be made only as authorized by law.

(9) *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.

(10) *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 an audit, inspection, or other inquiry related to the programs covered by this system.

(11) *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.

(12) *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.

(13) *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.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

*Disclosures pursuant to 5 U.S.C. 552a(b)(12):* The Department may disclose to a consumer reporting agency information regarding a claim by the Department which is determined to be valid and overdue as follows: (1) The

name, address, taxpayer identification number and other information necessary to establish the identity of the individual responsible for the claim; (2) the amount, status, and history of the claim; and (3) the program under which the claim arose. The Department may disclose the information specified in this paragraph under 5 U.S.C. 552a(b)(12) and the procedures contained in subsection 31 U.S.C. 3711(e). A consumer reporting agency to which these disclosures may be made is defined at 31 U.S.C. 3701(a)(3).

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

**STORAGE:**

The records are maintained in either hardcopy, microfilm, magnetic tape, or other electronic media.

**RETRIEVABILITY:**

Records are retrievable by Social Security number.

**SAFEGUARDS:**

All physical access to the Department's site, and the sites of Department contractors 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.

The computer system utilized by the Department offers a high degree of resistance to tampering and circumvention. This security system limits data access to the Department and contract staff on a "need-to-know" basis, and controls individual users' ability to access and alter records within the system. All users of this system of records are given a unique user ID with personal identifiers. All interactions by individual users with the system are recorded.

**RETENTION AND DISPOSAL:**

Records of individual loans may be destroyed five (5) years after cancellation, forgiveness or final repayment of the loan. Records of Federal Supplemental Educational Opportunity Grant (SEOG) recipients may be destroyed five (5) years after the fiscal operations report is filed. Records of Federal Pell Grant recipients may be destroyed five (5) years after the initial award year has ended, as set forth in appropriate record retention schedules.

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

Director, Program Systems Support, Office of Student Financial Assistance Programs, U.S. Department of Education, 400 Maryland Avenue, SW.,



Room 4640, ROB-3, Washington, DC 20202-5258. See the Appendix at the end of this system notice for additional system managers.

**NOTIFICATION PROCEDURE:**

If you wish to determine whether a record exists regarding you in the system of records, provide the system manager with your name, date of birth and Social Security number. Requests must meet the requirements of the regulations at 34 CFR 5b.5.

**RECORD ACCESS PROCEDURES:**

If you wish to gain access to a record in this system, contact the system manager and provide information as described in the notification procedure. Requests by an individual for access to a record must meet the requirements of the regulations at 34 CFR 5b.5.

**CONTESTING RECORD PROCEDURES:**

If you wish to change the content of a record in the system of records, contact the system manager with the information described in the notification procedure, identify the specific items 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 reports from borrowers and their families, lenders, schools, examining or treating physicians, employers, credit agencies, Federal and State governmental agencies, and State or private nonprofit guaranty agencies. However, lenders and guaranty agencies are not a source of information for participants in the Federal Direct Student Loan Program, since the Department maintains individual records of borrowers for this program.

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

None.

**Appendix to 18-11-07**

*Additional System Managers and System Locations*

Raytheon/E-Systems, 6201 I-30, Greenville, TX 75402. Assistant Regional Administrator, U.S. Department of Education, Region IV, Division of Claims and Collections, Office of Student Financial Assistance, 61 Forsyth Street, SW., Rm. 19T89, Atlanta, GA 30303.  
Assistant Regional Administrator, U.S. Department of Education, Region V, Division of Claims and Collections, Office of Student Financial Assistance, 111 North Canal Street, Suite 1009, Chicago, Illinois 60605.  
Assistant Regional Administrator, U.S. Department of Education, Region IX, Division of Claims and Collections, Office

of Student Financial Assistance, 50 United Nations Plaza, Room 250, San Francisco, California 94102.

**18-11-08**

**SYSTEM NAME:**

Student Account Manager System.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION(S):**

Program Systems Service, Office of Student Financial Assistance Programs, U.S. Department of Education, Seventh and D Streets, SW., Room 4640, ROB-3, Washington, DC 20202. National Computer Systems, 2510 North Dodge Street, Iowa City, Iowa 52240.

Total Systems Services, Inc, 6101 Stone Mill Drive, Columbus, GA; Golden Retriever System, 8 N. Roosevelt Avenue, Chandler, AZ 85221.

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

The Student Account Manager System contains student financial assistance records about students and/or borrowers both who have applied for loans under any Title IV Federal loan program and students who have applied for grants under any Title IV Federal grant program.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The Student Account Manager System contains records relating to a student and/or borrower's originated awards and disbursements of Title IV financial assistance. The system contains three data element types as outlined below: demographic information, such as student and/or borrower name, mailing and permanent address, e-mail address, current and original Social Security number, phone number, date of birth, student account number; loan and grant funding and award information, including the Title IV code for the school(s) for which students and/or borrowers have requested determinations of Federal financial assistance eligibility, the origination date and I.D., the funding source I.D., loan holder, credit limit or award amount; loan and grant transaction information, including the transaction date, posting date, disbursement amount, acceptance/rejection field, batch number.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Higher Education Act of 1965, Title IV-A through IV-H, as amended, (20 U.S.C. 1092b).

**PURPOSE(S):**

This system of records is provided for the purposes of:

(1) Giving students a single point of contact for information, statements, and

customer service concerning their Federal student financial assistance (loans and grants) from various programs and sources;

(2) Providing eligible institutions of higher education with a standardized method for the receipt of Title IV student financial assistance; and

(3) Creating summary reports for Federal loan and grant funding sources and program offices for loans and grants delivered through the Student Account Manager.

**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) *Program purposes.* Records may be disclosed for the following program purposes:

(a) To report disbursement activity, disclosures may be made to appropriate guaranty agencies, educational and financial institutions, and Federal agencies.

(b) To deliver Federal student assistance funds to the educational institution at which the student is enrolled, disclosures may be made to that educational institution.

(2) *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.

(3) *Enforcement disclosures.* 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, or executive order, rule, regulation, or order issued pursuant thereto.

(4) *Litigation disclosure 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; or
- (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) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

(5) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority

or professional organization, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies and Professional Organizations.* The Department may disclose a record to a Federal, State, local, or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, 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, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(6) *Employee Grievance, Complaint, or Conduct Disclosure.* The Department may disclose a record in this system of records to another agency of the Federal Government if the record is relevant to one of the following proceedings regarding a present or former employee of the Department: Complaint, grievance, discipline or competence determination proceedings. The disclosure may only be made during the course of the proceeding.

(7) *Labor Organization Disclosure.* A component of the Department may disclose records to a labor organization if a contract between the component and a labor organization recognized under Title V of the United States Code, Chapter 71, provides that the Department will disclose personal records relevant to the organization's mission. The disclosures will be made only as authorized by law.

(8) *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.

(9) *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 an audit, inspection, or other inquiry related to the programs covered by this system.

(10) *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.

(11) *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.

(12) *Congressional member disclosure.* The Department may disclose information 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.

(13) *Disclosure to the Office of Management and Budget (OMB) for Credit Reform Act (CRA) Support.* The Department may disclose records to OMB as necessary to fulfill CRA requirements.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

*Disclosures pursuant to 5 U.S.C. 552a(b)(12):* The Department may disclose to a consumer reporting agency information regarding a claim by the Department which is determined to be valid and overdue as follows: (1) The name, address, taxpayer identification number and other information necessary to establish the identity of the individual responsible for the claim; (2) the amount, status, and history of the claim; and (3) the program under which the claim arose. The Department may disclose the information specified in this paragraph under 5 U.S.C. 552a(b)(12) and the procedures contained in 31 U.S.C. 3711(e). A consumer reporting agency to which these disclosures may be made is defined at 31 U.S.C. 3701(a)(3).

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

**STORAGE:**

The records at the National Computer Systems (NCS) are maintained on the

mainframe at the NCS data center in Iowa City, IA and archived onto magnetic tape. Total System records are maintained on a mainframe database in Columbus, GA and backed up onto magnetic tapes. Golden Retriever System records are maintained on a sequel server database in Chandler, AZ and backed up onto CD-ROM.

**RETRIEVABILITY:**

Each student and/or borrower's file is indexed by social security number and the first two characters of their last name.

**SAFEGUARDS:**

All users of this system are given a unique user ID with a personal identifier. Student and parent users are assigned an Electronic Access Code (EAC) through the Federal Student Aid Application Files Privacy Act system of records number 18-11-01 by which they can access their accounts. All physical access to the Department's site, and the sites of Department contractors 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.

The computer system employed by the Department offers a high degree of resistance to tampering and circumvention. This security system limits data access to the Department, agents of the Department (including schools and funding sources), and contract staff on a "need-to-know" basis, and controls individual users' ability to access and alter records within the system. All users of this system of records are given a unique user ID with passwords.

**RETENTION AND DISPOSAL:**

*Federal Loan Records:* The Department will retain and dispose of loan records in accordance with the Department's Records Disposition Schedules (ED/RDS), Part 10, Item 16. Individual records (applications, certifications, disbursements, correspondence, and related records) for Federal loans may be destroyed three years after cancellation, forgiveness or final repayment of the Loan (ED/RDS, Part 10, Item 16). Electronic Federal loan records will be kept online and easily available for 24 months after reconciliation with the funding source, then retained in accordance with ED/RDS, Part 10, Item 16.

*Federal Pell Grant Records:* The Department will retain and dispose of Pell Grant records in accordance with ED/RDS, Part 10, Item 17. Records of Federal Pell Grant recipients

(applications, payment, correspondence, and related records) will be transferred to a Federal Records Center after final payment to grantee. Individual Pell Grant records may be destroyed 15 years after final payment to grantee (ED/RDS, Part 10, Item 17). Individual records for unapproved Federal Pell Grant applications will be transferred to a Federal Records Center 120 days after a rejection or withdrawal, and may be destroyed three years after date of rejection or withdrawal (ED/RDS, Part 10, Item 17(d)). Electronic Federal Pell Grant records will be kept online and easily available for 24 months after reconciliation with the funding source, then retained in accordance with ED/RDS, Part 10, Item 17.

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

Service Director, Program Systems Service, Office of Student Financial Assistance Programs, U.S. Department of Education, 400 Maryland Avenue, SW., ROB-3, Room 4640, Washington, DC 20202.

**NOTIFICATION PROCEDURE:**

If an individual wishes to determine whether a record exists regarding him or her in this system of records, the individual may gain access to the system via the Internet or by contacting the system administrator through the Student Account Manager's customer service e-mail address or toll-free telephone number. (To obtain access to records by telephone, the student must first authorize telephone access through the Student Account Manager's website using his or her Electronic Access Code.) The student must provide the system manager with his or her name, date of birth, Social Security number, and Electronic Access Code (EAC). Requests for notification about an individual must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity. Individuals may also present their requests in person at any of the locations identified for this system of records or address their requests to the system manager at the following address: Program Systems Service, Office of Student Financial Assistance Programs, U.S. Department of Education, 400 Maryland Avenue, SW., ROB-3, Room 4640, Washington, DC 20202.

**RECORD ACCESS PROCEDURES:**

If an individual wishes to gain access to a record in this system, he or she may do so via the Internet, by calling the toll free customer service phone number using a touch-tone telephone, or by contacting the system manager through the Student Account Manager's

customer service e-mail address or toll-free telephone number. (To obtain access to records by telephone, the student must first authorize telephone access through the Student Account Manager's website using his or her Electronic Access Code.)

**CONTESTING RECORD PROCEDURES:**

If an individual wishes to change the contents of a record in the system of records, he or she may challenge a transaction by contacting the system manager by telephone or sending written notice to the Student Account Manager's customer assistance area and providing the information described in the notification procedure, identifying the specific item(s) to be changed, and providing a written justification for the change, including any supporting documentation.

**RECORD SOURCE CATEGORIES:**

Information is obtained from schools, lenders, guaranty agencies, students, borrowers, the Title IV Program Files (Privacy Act system of records number 18-11-05), the Federal Student Aid Application Files Privacy Act system of records number 18-11-001), the Direct Loan Origination Center, and the Recipient Funds Management System (RFMS).

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

None.

**18-11-09**

**SYSTEM NAME:**

Postsecondary Education Participants System (PEPS).

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Computer Sciences Corporation, 71 Deerfield Lane, Meriden, CT 06450.

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

The PEPS contains records about owners (individuals, either solely or as partners, and corporate entities), officials, and authorized agents of postsecondary institutions; members of boards of directors or trustees of such institutions; employees of foreign entities that evaluate the quality of education; third-party servicers, including contact persons.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The PEPS contains information regarding the eligibility, administrative capability, and financial responsibility of postsecondary schools that participate in the student financial aid

programs, including the names, taxpayer identification numbers (Social Security numbers), business addresses, and phone numbers of the individuals with substantial ownership interests in, or control over, those institutions.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Higher Education Act of 1965, Title IV, as amended, (20 U.S.C. 1088, 1094, 1099c); the Debt Collection Improvement Act of 1996 (31 U.S.C. 7701).

**PURPOSE(S):**

The information contained in the PEPS is used for the purposes of determining initial and continuing eligibility, administrative capability and financial responsibility of postsecondary schools that participate in the student financial assistance programs, tracking school changes and maintaining history of this information regarding schools that have ever applied to participate or participated in these programs and documenting any need for any protective or corrective action against a school or individual associated with the school.

**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 without the consent of the individual if the disclosure is compatible with the purpose for which the record was collected and only as needed to achieve a program objective under the following routine uses:

(1) *Program Purposes.* The Department may disclose information contained in the PEPS to appropriate guaranty agencies, educational and financial institutions, accrediting agencies, State agencies, and appropriate Federal, State, or local agencies, in order to verify and assist with the determination of eligibility, administrative capability, and financial responsibility of postsecondary institutions that have applied to participate in the student financial assistance programs.

(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 in the PEPS, as a routine use, to the appropriate agency, whether foreign, Federal, State, Tribal, or local, charged with the responsibility of investigating

or prosecuting such violation or charged with enforcing or implementing the statute, or executive order or rule, regulation, or order issued pursuant thereto.

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

(a) *Introduction.* In the event that one of the parties listed below is involved in litigation or alternative dispute resolution (ADR), or has an interest in litigation or ADR, the Department may disclose PEPS 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 employee of the Department in his or her individual capacity where the Department of Justice has agreed to provide or arrange for representation for the employee; or
- (iv) Any employee of the Department 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 Department of Justice.* If the Department determines that disclosure of certain records to the Department of Justice is relevant and necessary to litigation, the Department may disclose those records as a routine use to the Department of Justice.

(c) *Administrative Disclosures.* If the Department determines that disclosure of certain records to an adjudicative body before which the Department is authorized to appear, or to 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 that adjudicative body, entity or individual.

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

(4) *Employment, Benefit and Contracting Disclosure.*

(a) *For decisions by the Department.* The Department may disclose records to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent

records, or to another public authority or professional organization, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For decisions by Other Public Agencies and Professional Organizations.* The Department may disclose records to a Federal, State, local or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(5) *Employee Grievance, Complaint or Conduct Disclosure.* The Department may disclose a record in PEPS to another agency of the Federal government if the record is relevant to a complaint, grievance, discipline or competence determination proceeding regarding a present or former employee of the Department. The disclosure may only be made during the course of the proceeding.

(6) *Labor Organization Disclosure.* The Department may disclose records to a labor organization if a contract between the Department and a labor organization recognized under Title V of the United States Code, Chapter 71, provides that the Department will disclose personal records relevant to the organization's mission. The disclosures will be made only as authorized by law.

(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) *Disclosure to the Department of Justice.* The Department may disclose records to the DOJ to the extent necessary for obtaining DOJ advice on any matter relevant to an audit, inspection, or other inquiry related to the programs covered by this system.

(9) *Contract Disclosure.* If the Department contracts with an entity for the purpose 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.

(10) *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.

(11) *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.

(12) *Disclosure to the Office of Management and Budget (OMB) for Credit Reform Act (CRA) Support.* The Department may disclose records to OMB as necessary to fulfill CRA requirements.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Disclosures pursuant to 5 U.S.C. 552a(b)(12): The Department may disclose to a consumer reporting agency information regarding a claim by the Department which is determined to be valid and overdue as follows: (a) The name, address, taxpayer identification number and other information necessary to establish the identity of the individual responsible for the claim; (b) the amount, status, and history of the claim; and (c) the program under which the claim arose. The Department may disclose the information specified in this paragraph under 5 U.S.C. 552a(b)(12) and the procedures contained in subsection 31 U.S.C. 3711(e). A consumer reporting agency to which these disclosures may be made is defined at 31 U.S.C. 3701(a)(3).

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

**STORAGE:**

The records are maintained on electronic data files on a server.

**RETRIEVABILITY:**

The records are indexed by the name of the institution or organization, and may be retrieved by the OPEID of school, EIN (Entity Identification Number) of the school or entity; or the name or TIN (Tax Identification Number or social security number) of the individual.

**SAFEGUARDS:**

All physical access to the Department of Education site, and the sites of Department contractors 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. The computer system employed by the Department of Education offers a high degree of resistance to tampering and circumvention. This security system limits data access to staff of the Department of Education, guarantors, accrediting agencies, State agencies, and Department contractors on a "need-to-know" basis, and controls individual users' ability to access and alter records within the system. All users of this system of records are given a unique user ID with personal identifiers. All interactions by individual users with the system are recorded.

**RETENTION AND DISPOSAL:**

History records are kept in PEPS indefinitely, or archived. Records are maintained and destroyed in accordance with the Department of Education Records Disposition Schedules (ED/RDS).

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

Director, Postsecondary Education Participants System, Office of Student Financial Assistance Programs, U.S. Department of Education, Seventh and D Streets, SW., Room 4629, ROB-3, Washington, DC 20202.

**NOTIFICATION PROCEDURE:**

If you wish to determine whether a record exists regarding you in the PEPS, provide the system manager with your name and social security number. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity. You may address your request, or present that request in person, to the system manager at the address above.

**RECORD ACCESS PROCEDURES:**

You may gain access to any record in the PEPS that pertain to you by contacting the system manager and following the procedures for notification listed above and must meet the requirements of 34 CFR 5b.5.

**CONTESTING RECORD PROCEDURES:**

You may contest the content of a record in PEPS pertaining to you by presenting to the system manager, either in writing or in person, a request to amend or correct that information. The request to amend, or for an appointment to present an oral request, must be made in writing mailed to the system manager at the address provided above. The request must identify the particular record within the PEPS that you wish to have changed, state whether you wish to have the record amended, corrected or deleted, and explain the reasons why you wish to have the record changed.

**RECORD SOURCE CATEGORIES:**

Information is obtained from applications submitted by institutions and entities that seek to participate in the student financial assistance programs and from components of the Department, from other Federal, State and non-governmental agencies and organizations that acquire information relevant to the purposes of the PEPS.

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

None.

**18-12-01**

**SYSTEM NAME:**

Title VI Foreign Language and Area Studies Fellowships (FLAS).

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

International Education and Graduate Programs Service, Office of Postsecondary Education, U.S. Department of Education, 1250 Maryland Avenue, SW, Room 600, Portals Building, Washington, DC 20202-5331.

AppNet, 103 W. Broad Street, Fifth Floor, Falls Church, VA 22046.

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

Graduate Students, who have been nominated for FLAS fellowships by grantee institutions of higher education.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The Title VI FLAS Records System consists of a variety of records relating to an individual's applications for, and participation in, the FLAS program. In addition to the individual's name, the system contains the participant's grantee institution, degree status, award period, amount of the award, language of the award, title of language course taken, major discipline, career goal, foreign language proficiency self-

evaluation, and a brief description and evaluation of the study program.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

The Higher Education Act of 1965, as amended, Part A, Title VI, Section 602(b).

**PURPOSE(S):**

The information contained in this system is used to determine the eligibility of nominees for FLAS fellowships; to monitor compliance and accomplishments; and to use the data to demonstrate program effectiveness.

**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.

Department of Education personnel, field readers, and grantee institutions use the information to determine the eligibility of nominees and to monitor the progress of foreign language and area studies training. Department of Education personnel and AppNet use some of the data to demonstrate program effectiveness. Disclosure may be made to the following entities as well:

(1) *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.

(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.

(c) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

(4) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to a Department decision concerning the

hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies and Professional Organizations.* The Department may disclose a record to a Federal, State, local, or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, 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, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(5) *Employee Grievance, Complaint or Conduct Disclosure.* The Department may disclose a record in this system of records to another agency of the Federal Government if the record is relevant to one of the following proceedings regarding a present or former employee of the Department: complaint, grievance, discipline or competence determination proceedings. The disclosure may only be made during the course of the proceeding.

(6) *Labor Organization Disclosure.* A component of the Department may disclose records to a labor organization if a contract between the component and a labor organization recognized under Title V of the United States Code, Chapter 71, provides that the Department will disclose personal records relevant to the organization's mission. The disclosures will be made only as authorized by law.

(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) *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 an audit, inspection, or other inquiry related to the programs covered by this system.

(9) *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.

(10) *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.

(11) *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.

(12) *Disclosure to the Office of Management and Budget (OMB) for Credit Reform Act (CRA) Support*. The Department may disclose records to OMB as necessary to fulfill CRA requirements.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

*Disclosures pursuant to 5 U.S.C. 552a(b)(12)*: The Department may disclose to a consumer reporting agency information regarding a claim by the Department which is determined to be valid and overdue as follows: (1) The name, address, taxpayer identification number and other information necessary to establish the identity of the individual responsible for the claim; (2) the amount, status, and history of the claim; and (3) the program under which the claim arose. The Department may disclose the information specified in this paragraph under 5 U.S.C. 552a(b)(12) and the procedures contained in subsection 31 U.S.C. 3711(e). A consumer reporting agency to which these disclosures may be made is defined at 31 U.S.C. 3701(a)(3).

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

**STORAGE:**

The records are maintained in hardcopy, filed in standard filing cabinets and in an electronic data warehouse maintained by AppNet and accessible by AppNet, individual

participants, participants' institutions and US Department of Education personnel.

**RETRIEVABILITY:**

Hardcopy files are retrieved by individual names and educational institution. Electronic files can be accessed through all data elements.

**SAFEGUARDS:**

All physical access to the Department of Education site, and the site of Department contractors where this system of records is maintained, is controlled and monitored by personnel who check each individual entering the building.

The computer system employed by AppNet offers a high degree of resistance to tampering and circumvention. This security system limits data access to Department of Education and contract staff grantees on a "need-to-know" basis, and controls individual users' ability to access and alter records within the system. All users of this system of records are given a unique user ID with personal identifiers. All interactions by individual users with the system are recorded.

**RETENTION AND DISPOSAL:**

Hardcopy records are maintained for five years and then destroyed. Data stored in the electronic data warehouse are maintained until the need for longitudinal studies to demonstrate program effectiveness is no longer required.

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

Director, International Education and Graduate Programs Service, Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., Room 600B, Portals Building, Washington, DC 20202-5247.

**NOTIFICATION PROCEDURE:**

If you wish to determine whether a record exists regarding you in the system of records, provide the system manager with your name, the year of the award, the name of the grantee institution, and language of the award. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

**RECORD ACCESS PROCEDURES:**

Contact the system manager.

**CONTESTING RECORD PROCEDURES:**

Contact the system managers.

**RECORD SOURCE CATEGORIES:**

Information is obtained from the individual and grantee institutions on

approved forms in hardcopy or electronic format.

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

None.

**18-12-02**

**SYSTEM NAME:**

Fulbright-Hays—Doctoral Dissertation Research Abroad (DDRA), Faculty Research Abroad (FRA), Seminars Abroad (SA), Fellows.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

International Education and Graduate Programs Service, Office of Postsecondary Education, U.S. Department of Education, 1250 Maryland Avenue, SW., Room 600, Portals Building, Washington, DC 20202-5331.

AppNet, 103 W. Broad Street, Fifth Floor, Falls Church, VA 22046.

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

This system contains records on teachers or prospective teachers who have been selected to be recipients for Fulbright-Hays awards to enable them to engage in foreign language and area studies projects overseas.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The Fulbright-Hays Records System consists of a variety of records relating to an individual's applications for, and participation in, the Fulbright-Hays DDRA, FRA or SA programs. In addition to the individual's name, the system contains the participant's address, telephone number, educational institution, date and place of birth, citizenship, social security number, veteran's status, names of accompanying dependents, previous overseas travel, educational and employment background, student loan default status, a health statement, transcripts, references, project description and project cost based on either the cost-of-living in the host country or the annualized salary of a faculty member, field reader and US Embassy comments, award documents, and final project reports.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

The Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451-2458).

**PURPOSE(S):**

The information contained in this system is used for the following purposes: (1) To determine the

applicants' qualifications, eligibility, suitability and feasibility; (2) to award benefits for overseas research; (3) to monitor the progress of the project including its accomplishments; and (4) to demonstrate the program's effectiveness.

**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) *Program Disclosure.* The Department may disclose information to field readers, the U.S. Department of State, U.S. Embassies, binational commissions, the J. William Fulbright Foreign Scholarship Board, foreign educators and officials so that the information can be used to determine the qualifications, eligibility, suitability, feasibility, and award benefits for overseas research.

(2) *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.

(3) *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.

(4) *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.

(c) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

(5) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies and Professional Organizations.* The Department may

disclose a record to a Federal, State, local, or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, 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, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(6) *Employee Grievance, Complaint or Conduct Disclosure.* The Department may disclose a record in this system of records to another agency of the Federal Government if the record is relevant to one of the following proceedings regarding a present or former employee of the Department: complaint, grievance, discipline or competence determination proceedings. The disclosure may only be made during the course of the proceeding.

(7) *Labor Organization Disclosure.* A component of the Department may disclose records to a labor organization if a contract between the component and a labor organization recognized under Title V of the United States Code, Chapter 71, provides that the Department will disclose personal records relevant to the organization's mission. The disclosures will be made only as authorized by law.

(8) *Freedoms 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.

(9) *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 an audit, inspection, or other inquiry related to the programs covered by this system.

(10) *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.

(11) *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.

(12) *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.

(13) *Disclosure to the Office of Management and Budget (OMB) for Credit Reform Act (CRA) Support.* The Department may disclose records to OMB as necessary to fulfill CRA requirements.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

*Disclosures pursuant to 5 U.S.C. 552a(b)(12):* The Department may disclose to a consumer reporting agency information regarding a claim by the Department which is determined to be valid and overdue as follows: (1) The name, address, taxpayer identification number and other information necessary to establish the identity of the individual responsible for the claim; (2) the amount, status, and history of the claim; and (3) the program under which the claim arose. The Department may disclose the information specified in this paragraph under 5 U.S.C. 552a(b)(12) and the procedures contained in subsection 31 U.S.C. 3711(e). A consumer reporting agency to which these disclosures may be made is defined at 31 U.S.C. 3701(a)(3).

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

**STORAGE:**

The records are maintained in hardcopy, filed in standard filing cabinets and in an electronic data warehouse maintained by AppNet and accessible by AppNet, individual participants, participants' institutions and U.S. Department of Education personnel.

**RETRIEVABILITY:**

Hardcopy files are retrieved by individual names and educational institution. Electronic files can be accessed through all data elements.

**SAFEGUARDS:**

All physical access to the Department of Education site, and the sites of Department contractors where this system of records is maintained, is controlled and monitored by personnel who check each individual entering the building.

The computer system employed by AppNet offers a high degree of resistance to tampering and circumvention. This security system limits data access to Department of Education and contract staff grantees on a "need-to-know" basis, and controls individual users' ability to access and alter records within the system. All users of this system of records are given a unique user ID with personal identifiers. All interactions by individual users with the system are recorded.

**RETENTION AND DISPOSAL:**

Hardcopy records are maintained for five years and then destroyed. Data stored in the electronic data warehouse are maintained until the need for longitudinal studies to demonstrate program effectiveness is no longer required.

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

Director, International Education and Graduate Programs Service, Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., Room 600B, Portals Building, Washington, DC 20202-5247.

**NOTIFICATION PROCEDURE:**

If you wish to determine whether a record exists regarding you in the system of records, provide the system manager with your name, date of birth, social security number, the year of the award, the name of the grantee institution, major country in which you conducted your educational activity. 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 records regarding you in this system of records, contact the system manager at the address listed above and follow the steps outlined in the Notification Procedures. 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 in this system of records, contact the system manager at the address listed above. Your request must meet the requirements of the regulations

at 34 CFR 5b.7, including proof of identity.

**RECORD SOURCE CATEGORIES:**

Information is obtained from the individual on approved application forms and from field readers, and may be secured from the U.S. Department of State, U.S. Embassies, binational commissions, the J. William Fulbright Foreign Scholarship Board, and foreign educators and officials.

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

None.

**18-12-04**

**SYSTEM NAME:**

Jacob K. Javits Fellowship System.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

International Education and Graduate Programs Service, Office of Postsecondary Education, U.S. Department of Education, 1250 Maryland Avenue, SW., Room 600, Portals Building, Washington, DC 20202-5247.

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

This system contains records on individuals who apply for fellowships under the Jacob K. Javits Fellowship Program.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The Jacob K. Javits Fellowship System consists of a variety of records relating to a student's application for, and participation in, the Javits Fellowship Program. In addition to the student's name, the system contains the student's social security number, or nine digit identification number, address, scholastic accomplishments, rating scores, and reference letters.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title VII, Part A, Subpart 1 of the Higher Education Act of 1965, as amended (20 U.S.C. 1134-1134d). The program regulations are found in 34 CFR part 650.

**PURPOSE(S):**

The information contained in this system is used to determine the qualifications, eligibility, and suitability in the selection of fellows; to maintain the progress of fellows; to ensure compliance with program requirements; and to use the data to demonstrate program effectiveness.

**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 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.

(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.

(c) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

(4) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies and Professional Organizations.* The Department may disclose a record to a Federal, State, local, or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, 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, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(5) *Employee Grievance, Complaint or Conduct Disclosure.* The Department may disclose a record in this system of records to another agency of the Federal Government if the record is relevant to

one of the following proceedings regarding a present or former employee of the Department: complaint, grievance, discipline or competence determination proceedings. The disclosure may only be made during the course of the proceeding.

(6) *Labor Organization Disclosure.* A component of the Department may disclose records to a labor organization if a contract between the component and a labor organization recognized under Title V of the United States Code, Chapter 71, provides that the Department will disclose personal records relevant to the organization's mission. The disclosures will be made only as authorized by law.

(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) *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 an audit, inspection, or other inquiry related to the programs covered by this system.

(9) *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.

(10) *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.

(11) *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.

(12) *Disclosure to the Office of Management and Budget (OMB) for Credit Reform Act (CRA) Support.* The Department may disclose records to OMB as necessary to fulfill CRA requirements.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

*Disclosures pursuant to 5 U.S.C. 552a(b)(12):* The Department may disclose to a consumer reporting agency information regarding a claim by the Department which is determined to be valid and overdue as follows: (1) The name, address, taxpayer identification number and other information necessary to establish the identity of the individual responsible for the claim; (2) the amount, status, and history of the claim; and (3) the program under which the claim arose. The Department may disclose the information specified in this paragraph under 5 U.S.C. 552a(b)(12) and the procedures contained in subsection 31 U.S.C. 3711(e). A consumer reporting agency to which these disclosures may be made is defined at 31 U.S.C. 3701(a)(3).

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

**STORAGE:**

The records are maintained in hard copy, filed in standard filing cabinets; on access-controlled personal computers; and on removable personal computer diskettes that are stored in filing cabinets.

**RETRIEVABILITY:**

Hardcopy files are retrieved by individual names and educational institutions. Electronic files are accessed using an individual's Social Security number, or other nine digit identification number.

**SAFEGUARDS:**

All physical access to the Department's site, and the sites of Department contractors 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.

The computer system employed by the Department offers a high degree of resistance to tampering and circumvention. This security system limits data access to Department and contract staff on a "need-to-know" basis, and controls individual users'

ability to access and alter records within the system. All users of this system of records are given a unique user ID with personal identifiers. All interactions by individual users with the system are recorded.

**RETENTION AND DISPOSAL:**

Hardcopy records are maintained for five years and then destroyed. Data stored electronically is maintained until the need for longitudinal data to demonstrate program effectiveness is no longer needed.

**SYSTEM MANAGERS AND ADDRESS:**

Director, International Education and Graduate Programs Service, Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., Room 600, Portals Building, Washington, DC 20202-5247.

**NOTIFICATION PROCEDURE:**

If you wish to determine whether a record exists regarding you in the system of records, provide the system manager with your name, date of birth and Social Security number. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

**RECORD ACCESS PROCEDURE:**

If you wish to gain access to a record regarding you in the system of records, provide the system manager with your name, date of birth, and Social Security number. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

**CONTESTING RECORD PROCEDURE:**

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

**RECORD SOURCE CATEGORIES:**

Information is obtained principally from individual applicants, references, and schools attended by the applicant.

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

None.

**18-12-04**

**SYSTEM NAME:**

Title VI International Research and Studies Program (IRS).

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION(S):**

International Education and Graduate Programs Service, Office of Postsecondary Education, U.S.

Department of Education, 1250 Maryland Avenue, SW., Suite 600, Portals Building, Washington, DC 20202-5331.

AppNet, 103 W. Broad Street, Fifth Floor, Falls Church, VA 22046.

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

This system contains records on individual researchers who have been selected to be recipients of International Research and Studies (IRS) awards.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The Title VI IRS Records System consists of a variety of records relating to an individual's applications for, and participation in, the IRS program. In addition to the individual's name, the system contains the participant's address, telephone number, educational institution, citizenship, social security number, institutional or individual DUNS number, educational and employment background, salary, research or instructional materials project description, project costs, field reader comments, award documents, and final project reports.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

The Higher Education Act of 1965, as amended, Part A, Title VI, section 605(a).

**PURPOSE(S):**

The information contained in this system is used for the following purposes: (1) To determine the qualifications and eligibility of the project director, competitiveness of and need for the project, and award benefits; (2) to monitor the progress of the project including its accomplishments; and (3) to demonstrate the program's effectiveness.

**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) *Field Reader Disclosures.* The Department may disclose information to field readers in order to determine the qualifications and eligibility of the project director, competitiveness of and need for the project, and award benefits.

(2) *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.

(3) *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.

(4) *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.

(c) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

(5) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies and Professional Organizations.* The Department may disclose a record to a Federal, State, local, or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, 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, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(6) *Employee Grievance, Complaint or Conduct Disclosure.* The Department may disclose a record in this system of records to another agency of the Federal Government if the record is relevant to one of the following proceedings regarding a present or former employee of the Department: complaint, grievance, discipline or competence determination proceedings. The disclosure may only be made during the course of the proceeding.

(7) *Labor Organization Disclosure.* A component of the Department may disclose records to a labor organization if a contract between the component and a labor organization recognized under Title V of the United States Code, Chapter 71, provides that the Department will disclose personal records relevant to the organization's mission. The disclosures will be made only as authorized by law.

(8) *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.

(9) *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 an audit, inspection, or other inquiry related to the programs covered by this system.

(10) *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.

(11) *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.

(12) *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.

(13) *Disclosure to the Office of Management and Budget (OMB) for Credit Reform Act (CRA) Support.* The Department may disclose records to OMB as necessary to fulfill CRA requirements.

#### DISCLOSURE TO CONSUMER REPORTING AGENCIES:

*Disclosures pursuant to 5 U.S.C. 552a(b)(12):* The Department may disclose to a consumer reporting agency information regarding a claim by the Department which is determined to be

valid and overdue as follows: (1) The name, address, taxpayer identification number and other information necessary to establish the identity of the individual responsible for the claim; (2) the amount, status, and history of the claim; and (3) the program under which the claim arose. The Department may disclose the information specified in this paragraph under 5 U.S.C. 552a(b)(12) and the procedures contained in subsection 31 U.S.C. 3711(e). A consumer reporting agency to which these disclosures may be made is defined at 31 U.S.C. 3701(a)(3).

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

**STORAGE:**

The records are maintained in hardcopy, filed in standard filing cabinets and in an electronic data warehouse maintained by AppNet and accessible by AppNet, individual participants, participants' institutions and Department personnel.

**RETRIEVABILITY:**

Hard copy files are retrieved by individual names and educational institution. Electronic files can be accessed through all data elements.

**SAFEGUARDS:**

All physical access to the Department's site, and the sites of Department contractors where this system of records is maintained, is controlled and monitored by personnel who check each individual entering the building.

The computer system employed by AppNet offers a high degree of resistance to tampering and circumvention. This security system limits data access to Department and contract staff grantees on a "need-to-know" basis, and controls individual users' ability to access and alter records within the system. All users of this system of records are given a unique user ID with personal identifiers. All interactions by individual users with the system are recorded.

**RETENTION AND DISPOSAL:**

Hard copy records are maintained for five years and then destroyed. Data stored in the electronic data warehouse are maintained until the need for longitudinal to demonstrate program effectiveness is no longer required.

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

Director, International Education and Graduate Programs Service, Office of Postsecondary Education, US Department of Education, 400 Maryland

Avenue, SW., Washington, DC 20202-5247.

**NOTIFICATION PROCEDURE:**

If you wish to determine whether a record exists regarding you in the system of records, provide the system manager with your name, date of birth, social security number, the year of the award, the name of the grantee institution, major country in which you conducted your educational activity. 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 records regarding you in this system of records, contact the system manager at the address listed above and follow the steps outlined in the Notification Procedure. 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 in this system of records, contact the system manager at the address listed above. Your request must meet the requirements of the regulations at 34 CFR 5b.7, including proof of identity.

**RECORD SOURCE CATEGORIES:**

Information is obtained from the individuals and institutions on approved application forms and from field readers.

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

None.

**18-13-01**

**SYSTEM NAME:**

National Center for Education Statistics Longitudinal Studies and the School and Staffing Surveys.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

National Center for Education Statistics, Office of Educational Research and Improvement, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 400, Washington, DC 20202-5574. 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 the following groups:

(1) High school seniors who participated in the National

Longitudinal Study of the High School Class of 1972;

(2) Approximately 26,820 high school seniors and sophomores from 1,015 U.S. high schools who participated in the High School and Beyond Survey in 1980;

(3) Approximately 26,000 eighth grade students in 1,050 U.S. schools who participated in the National Education Longitudinal Study of 1988;

(4) Approximately 60,000 students enrolled in U.S. postsecondary institutions who participate in each cycle of the National Postsecondary Student Aid Study, the Baccalaureate and Beyond Study, or the Beginning Postsecondary Students Longitudinal Study;

(5) Approximately 21,000 kindergartners, their parents, and 6,000 teachers who are participating in the Early Childhood Longitudinal Study, Kindergarten Cohort in 1998;

(6) 14,000 children and their families as well as 4,500 childcare providers that will participate in the Early Childhood Longitudinal Study, Birth Cohort 2000;

(7) Approximately 78,000 teachers, administrators, and librarians who participate in each administration of the School and Staffing Surveys of NCES;

(8) Approximately 11,000 faculty and administrators who participated in the 1987-88 National Study of Postsecondary Faculty;

(9) Approximately 30,000 faculty, instructional staff, and administrators who participate in subsequent administrations of the National Study of Postsecondary Faculty;

(10) Approximately 33,000 U.S. students who participated in the Third International Mathematics and Science Study and the 15,000 U.S. students who will participate in the subsequent administration of the Third International Mathematics and Science Study;

(11) Approximately 5,000 U.S. students who will participate in an international Civics Education Study;

(12) 9,000 U.S. students who will participate in the Program of International Student Assessment;

(13) 8,000 U.S. adults who will participate in the International Life Skills Survey.

**CATEGORIES OF RECORDS IN THIS SYSTEM:**

This system consists of responses to survey instruments which contain background and demographic data, questions concerning educational experiences, employment experiences, finances, aspirations, plans and goals, family formation variables, and attitudes. Cognitive test scores, financial aid records, and high school and college

transcripts are appended to the records as well.

The records for schools and local education agencies contain information on numbers and characteristics of teaching staff, administrators, financial and demographic data, and data related to student performance. The records related to teachers and administrators contain, in addition to the above, information on training and experience, salary history, and attitudes and opinions on educational and operational questions.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**  
20 U.S.C. 1221e-1.

**PURPOSE(S):**

This system is used to describe the critical influences, contexts, and transitions of students in elementary, secondary, and postsecondary education and into employment and adult experience.

**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 purpose 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.* When the National Center for Education Statistics intends to contract with a private firm for the purpose of collating, analyzing, aggregating, maintaining, appending, or otherwise refining records in this system, the Commissioner of Education Statistics may release relevant records to the contractor. The contractor will be required to maintain safeguards under the Privacy Act of 1974 and under section 406(d)(4) of GEPA (20 U.S.C. 1221e-1(d)(4)) with respect to such records.

(2) *Research Disclosure.* Where the Commissioner of Education Statistics determines that an individual or organization is qualified to carry out specific research, the Commissioner may disclose information from these systems of records to that researcher solely for the purpose of carrying out that research. The researcher shall be required to maintain under the Privacy Act of 1974 and 20 U.S.C. 1221-e1(d)(4) safeguards with respect to such records.

**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 research files will be stored on computer tapes and diskettes. The location files will be kept on computer tapes.

**RETRIEVABILITY:**

The records are retrievable by title of survey and name of person.

**SAFEGUARDS:**

The research files and location files are not directly mergeable in the form maintained and stored. The identification codes on each file are different. They can be related by use of an encryption algorithm known to only a few authorized staff. Copies of the computer tapes and discs containing the location files are stored with three levels of password protection. Hence, immediate access to the location files is possible only by authorized staff. When in active use for editing, tabulation and analysis, files of information and identifiers will not be kept together unless necessary for processing the data. The files will be accessed only through approved identification of the user and the use of passwords. Passwords will be changed at the conclusion of each period of use and returned to storage. Tapes, discs and questionnaires will be kept in locked files in locked rooms.

**RETENTION AND DISPOSAL:**

The records will be kept for five years after the final survey administration, including the base year survey and any following surveys and then transferred to the Federal Records Center, where, after 15 years, they will be destroyed.

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

Commissioner, National Center for Education Statistics, Office of Educational Research and Improvement, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 400, Washington, DC 20208-5574.

**NOTIFICATION PROCEDURE:**

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

**RECORD ACCESS PROCEDURE:**

If you wish to gain access to a record regarding you, contact system manager.

Your requests must meet the requirements in the regulations at 34 CFR 5b.5, including proof of identity.

**CONTESTING RECORDS PROCEDURE:**

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

**RECORD SOURCE CATEGORIES:**

Information in the records comes from responses to survey instruments.

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

None.

**Appendix to 18-13-01**

*Additional System Locations*

U.S. Bureau of the Census, Federal Office Building 3, Washington, DC 20233.

WESTAT, 1650 Research Boulevard, Rockville, Maryland 20850.

Research Triangle Institute, P.O. Box 12194, Research Triangle Park, North Carolina 27709.

National Opinion Research Center, 1155 E. 60th Street, Chicago, Illinois 60637-2799.

Educational Testing Service, 1825 Eye Street, NW, Suite 475, Washington, DC 20006.

The Gallup Organization, One Church Street, Suite 900, Rockville, MD 20850.

MPR Associates, 1995 University Avenue, Suite 225, Berkeley, California 94704.

Abt Associates, 55 Wheeler Street, Cambridge, Massachusetts 02138.

Pelavin Research Institute, 1,000 Thomas Jefferson Street, Suite 400, Washington, DC 20007.

Institute for Social Research, Survey Research Associates, University of Michigan, 426 Thompson, Ann Arbor, MI 48106.

School of Education, University of Michigan, 610 E. University, Ann Arbor, MI 48109.

**18-13-02**

**SYSTEM NAME:**

National Center for Education Statistics Affidavits of Nondisclosure.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

See the Appendix to this system notice.

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

This system contains information on employees of the National Center for Education Statistics (NCES) or other persons who assist NCES in the performance of its work, who have access to any record, response form, completed survey or aggregation thereof from which information about individual students, teachers,

administrators, or other individual persons may be revealed, and who have signed a pledge not to disclose such information. Other persons who may assist NCES include employees of companies, profit or nonprofit organizations, State agencies, local agencies or instrumentalities having a contract, task order, interagency agreement, or some other formal agreement with NCES and who have access to individually identifiable information.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system contains the following information:

(1) The affidavit of nondisclosure that includes the individual's name, place of work (company, agency, etc.), signature, and date signed; and

(2) the name of the project or survey in which the entity employing the individual was involved.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 406(d)(4) of the General Education Provisions Act, as amended by Title III, Part A, Section 3001, of Public Law 100-297, April 28, 1988 (20 U.S.C. 1221e-1(d)(4)).

**PURPOSE(S):**

This system of records is used for the following purposes: (1) To maintain information necessary for internal control and monitoring of those having access to individually identifiable information; (2) to provide evidence in disciplinary actions or prosecution of individuals who disclose individually identifiable information protected from disclosure under Section 406(d)(4) of the General Education Provisions Act, as amended; and (3) to ensure that individuals utilized by the Commissioner of NCES protect the individually identifiable data of NCES.

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

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 purpose 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) *Contractor Disclosure.* A record may be disclosed from this system of records to employees of entities having a contract or other agreement with the

Commissioner to assist in the collection of data on behalf of NCES to ensure that these entities maintain an accurate file of individuals who have access to individually identifiable information in performance of their duties under the contract or other agreement.

(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 in his or her individual capacity if the Department of Justice (DOJ) has agreed to provide or arrange for representation for the employee; or

(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.

(4) *Disclosure to the DOJ.* If the Department determines that disclosure of certain records to the DOJ is relevant and necessary to litigation and ADR, the Department may disclose those records as a routine use to the DOJ.

(5) *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.

(6) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

(7) *Employee Grievance, Complaint or Conduct Disclosure.* The Department may disclose a record in this system of records to another agency of the Federal Government if the record is relevant to one of the following proceedings regarding a present or former employee of the Department: Complaint, grievance, discipline or competence determination proceedings. The disclosure may only be made during the course of the proceeding.

(8) *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.

(9) *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 under 5 U.S.C. 552a(m) with respect to such records.

**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:**

Information will be kept in file folders and on computer diskettes or computer tapes.

**RETRIEVABILITY:**

The records will be retrievable by name, date, and place of work of the individual.

**SAFEGUARDS:**

The records will be kept in locked files. The computer tapes and diskettes will be accessible by authorized personnel through identification number and password.

**RETENTION AND DISPOSAL:**

Each affidavit will be kept for 5 years after the individual access to NCES confidential data has ceased and then will be transferred to the Federal Records Center, where it can remain up to 15 years before it is destroyed.

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

Chief Statistician & Individual Survey Project Officers, National Center for Education Statistics, U.S. Department of Education, 555 New Jersey Avenue, NW., Washington, DC 20208-5574.

**NOTIFICATION PROCEDURE:**

If you wish to determine whether a record exists regarding you in this system of records, contact the system manager at the address listed above and provide your name, place of work (i.e. company, agency, etc.), and the dates of employment. Your request must meet the requirements in the regulations at 34 CFR 5b.5, including proof of identity.

**RECORD ACCESS PROCEDURES:**

If you wish to gain access to records regarding you in this system of records, contact the system manager and provide your name, place of work (i.e. company, agency, etc.), and the dates of employment. Your request must meet the requirements in 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, contact the system manager. Your request to amend a record must meet the requirements of 43 CFR 5b.7.

**RECORD SOURCE CATEGORIES:**

Information in the records comes from individuals who have signed the affidavits of nondisclosure.

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

None.

**Appendix to 18-13-02***Additional System Locations*

National Center for Education Statistics, U.S. Department of Education, 555 New Jersey Avenue, NW., Washington, DC 20202-5574.

U.S. Bureau of the Census, Federal Office Building 3, Washington, DC 20233.

WESTAT, 1650 Research Boulevard, Rockville, Maryland 20850.

Research Triangle Institute, P.O. Box 12194, Research Triangle Park, North Carolina 27709.

National Opinion Research Center, 1155 E. 60th Street, Chicago, Illinois 60637-2799.

Educational Testing Service, 1825 Eye Street, NW, Suite 475, Washington, DC 20006.

The Gallup Organization, One Church Street, Suite 900, Rockville, MD 20850.

MPR Associates, 1995 University Avenue, Suite 225, Berkeley, CA 94704.

Abt Associates, 55 Wheeler Street, Cambridge, MA 02138.

Pelavin Research Institute, 1,000 Thomas Jefferson Street, Suite 400, Washington, DC 20007.

Institute for Social Research, Survey Research Associates, University of Michigan, 426 Thompson, Ann Arbor, MI 48106.

School of Education, University of Michigan, 610 E. University, Ann Arbor, MI 48109.

**18-13-03****SYSTEM NAME:**

National Center for Education Statistics' National Assessment of Educational Progress.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

WESTAT, 1650 Research Boulevard, Rockville, MD 20850.

Educational Testing Service, Rosedale Road, Princeton, NJ 08541.

National Computer Systems, 2510 N. Dodge Street, Iowa City, IA 52245.

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

This system contains information on the following individuals: (1) Individuals who leave school early as early graduates or as drop-outs (defined as 17-year-olds who are no longer in school) and are covered during a six month data verification period; (2) young adults in the study who are covered during a six month data verification period; and (3) individual schools which are covered under the National Assessment of Educational Progress (NAEP) statute (20 U.S.C. 9010 (c)(2)(A)).

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records contain responses to assessment and survey instruments. The contents of these instruments are of two types: (1) Cognitive test items to assess the educational achievement of students and young adults in various subject areas taught in school; and (2) questions about student demographic and background variables as well as the characteristics of teachers and schools.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

20 U.S.C. 9010.

**PURPOSE(S):**

The purpose of the National Assessment of Educational Progress (NAEP), funded by the Department of Education, is to provide information on the educational achievement of young Americans over time.

**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.

During a six-month verification period, individually identifiable information about individuals who leave school early or are young adults is subject to the Privacy Act, and may be disclosed under routine uses that are consistent with the Commissioner's authority under section 406(d)(4) of GEPA (20 U.S.C. 1221e-1(d)(4)). The routine uses that apply to this period permit disclosures to individuals who:

(1) Take the oath and sign an affidavit of nondisclosure required under 20 U.S.C. 9007;

(2) Work for a contractor, grantee, or party to a cooperative agreement or other entity that has an agreement with the Commissioner to conduct research for National Center for Education Statistics (NCES), or

(3) Work under a research contract, grant, or cooperative agreement with a Federal, State, or local agency that requires the use of individually identifiable information, and the research is compatible with the purpose for which NCES collected the data, or

(4) Work under an agreement in writing to:

(i) Use the information for statistical purposes only,

(ii) Maintain the data in accordance with applicable Federal laws,

(iii) Prohibit redisclosure in identifiable form, and

(iv) Permit NCES' periodic inspection to determine adherence to the contract or agreement.

Regarding the records of individual schools, which, under 20 U.S.C. 9010(c)(2)(A), must be treated as individuals subject to the Privacy Act, NCES may make routine use disclosures, consistent with the statistical purposes for which a record was supplied, as follows:

(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) *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.

(3) *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.

(4) *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.

(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 ADR, ED 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) *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.

(d) *Parties, counsels, representatives and witnesses.* If ED 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 may disclose those records as a routine use to the party, counsel, representative or witness.

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

**STORAGE:**

The records are maintained on magnetic tape and computer disk media.

**RETRIEVABILITY:**

Records are retrievable by assessment year, subject area, age or grade at the school or individual respondent level.

**SAFEGUARDS:**

Access to the restricted-use data files and completed test booklets and forms is severely limited to key contractor and NCES staff. User access to the restricted-use data files has three levels of data access protection. Access to the files is restricted to authorized NAEP staff who have a valid need for immediate access to NAEP data. This access is controlled and monitored by the use of secure "log-on" identification and password protection schemes. Access to individual restricted-use data files is controlled by an access control facility that restricts users to only those files that are necessary and approved for their perusal. In addition, the restricted-use data files are backed-up to an off-site secure location that will protect NAEP data in the event of a computer center disaster. This off-site storage is in a secure vault that is physically protected from unauthorized entry. The open-ended responses are stored in a secure warehouse with access limited to NAEP project staff.

**RETENTION AND DISPOSAL:**

The NAEP restricted-use data files are stored in a secure computer facility. The security mechanism includes physical security, data security, and disaster recovery capability. The computer facility is housed within a fire-resistant masonry and steel door structure. Physical access to the facility is electronically controlled through magnetically imprinted identification badges and is limited to authorized staff who have functional responsibilities within the secured areas. Open-ended responses are kept indefinitely. However, data that could be used to identify individuals are destroyed six months after collection.

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

Associate Commissioner, Educational Assessment Division, National Center for Education Statistics, Office of Educational Research and Improvement, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 308C, Washington, DC 20208-5653.

**NOTIFICATION PROCEDURES:**

If you wish to determine whether a record regarding you exists in this system of records, you should contact the system manager at the address listed above and provide your name, date of birth and social security number. Your requests 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 in this system of records, you should contact the system manager and provide the information described in the Notification Procedures. 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 information contained in this system of records, you should contact the system manager. You should specify the particular record you are seeking to amend, whether a deletion, an addition, or a substitution is being sought and the reason(s) for the requested change(s). Your request should meet the requirements of the regulations at 34 CFR 5b.7.

**RECORD SOURCE CATEGORIES:**

The information in this system comes from the data collected from the subject individuals and individual schools.

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

None.

**18-13-04****SYSTEM NAME:**

Outcomes of Diversity in Higher Education Surveys.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

National Institute on Postsecondary Education, Libraries, and Lifelong Learning, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 627, Washington, DC 20208-5531. See the Appendix at the end of this system notice for additional system locations.

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

This system contains data on the following individuals: (1) Approximately 5500 students who were first-time freshmen in Fall 1998 at 9 four-year institutions of higher education; (2) approximately 300 faculty who teach freshmen at those institutions; and (3) approximately 45 administrators of those institutions. There will be follow-up data for spring of 1999 and spring of 2000 on the initial set of freshmen respondents.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system consists of responses to survey instruments and interview protocols. In addition to background and demographic data, the survey instruments include sets of items concerning perception of institutional commitment to diversity, attitudes, campus climate, knowledge of multiple cultures and pedagogy. The opinions of students, faculty and administrators concerning diversity and multiculturalism are also represented.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

20 U.S.C. 6031 (h) (Supp. 1998).

**PURPOSE(S):**

The information contained in the system is used for the following purposes: (1) To increase understanding of the effects of diversity in higher education on all students by examining incoming attitudes of first-time freshmen and changes in attitudes and cognitive development concerning issues of diversity and multiculturalism; and (2) to assess pedagogy and student participation, attainment, development, attitudes and knowledge.

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

The Department may disclose information contained in a record in this system of records without the consent of the individual if the

disclosure is compatible with the purpose for which the record was collected and only as needed to perform one or more of the following routine uses:

(1) *Contract Disclosure*. When OERI intends to contract with a private firm for the purpose of collating, analyzing, aggregating, maintaining, appending, or otherwise refining records in this system, the Director may release relevant records to the contractor. The contractor will be required to maintain safeguards under the Privacy Act of 1974 and under section 406(d)(4) of GEPA (20U.S.C. 1221e-1(d)(4)) with respect to such records.

(2) *Research Disclosure*. Where the Director determines that an individual or organization is qualified to carry out specific research, the Director may disclose information from these systems of records to that researcher solely for the purpose of carrying out that research. The researcher shall be required to maintain Privacy Act of 1974 and 20 U.S.C. 1221e-1(d)(4) safeguards with respect to such records.

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

The research and location files will be stored on separate computer diskettes.

**RETRIEVABILITY:**

Aggregate files may be retrieved by title of survey. The location files will be destroyed upon completion of this project as there will be no future need to retrieve an individual record. Only the completed interview protocols will be retained in hard copy by title of individual interviewed at each of the nine institutions.

**SAFEGUARDS:**

The research files and location files cannot be merged in the form maintained and stored since the identification codes on each file are different. They can be related by use of an encryption algorithm known only to a few staff authorized to work with the data files. When in active use for editing, tabulation and analysis, files of information and identifiers will not be kept together unless necessary for data processing. Tapes, discs and questionnaires will be kept in locked files.

**RETENTION AND DISPOSAL:**

The records will be kept for five years after the final survey administration, in spring of 2000. In the spring of 2005, the records will be transferred to the Federal Records Center, where, after 15 years, they will be destroyed.

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

Director, National Institute on Postsecondary Education, Libraries and Lifelong Learning, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 627, Washington, DC 20208-5531.

**NOTIFICATION PROCEDURE:**

If you wish to determine whether a record exists regarding you, contact the system manager at the address listed above. Your requests must meet the requirements in the regulations at 34 CFR 5b.5.

**RECORD ACCESS PROCEDURES:**

Same as Notification Procedure.

**CONTESTING RECORD PROCEDURES:**

If you wish to contest the content of a record, contact the system manager. Any requests to amend a record must meet the requirements of 34 CFR 5b.7.

**RECORD SOURCE CATEGORIES:**

Information in the records comes from the responses to survey instruments.

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

None.

**Appendix to 18-13-04***Additional System Locations*

Mathtech, Inc., 6402 Arlington Blvd., Suite 1200, Falls Church, VA 22042-2356.  
Mathtech, Inc., 202 Carnegie Center, Suite 111, Princeton, NJ 08540-6239.  
Mathtech, Inc., 180 Pembroke Circle, Phoenixville, PA 19460.

**18-14-01****SYSTEM NAME:**

Educationally Disadvantaged Students Attending Private Schools Served Through Bypass Contracts.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Contractor serving the State of Virginia: Nonpublic Educational Services, Inc., 14416 Jefferson Davis Highway, Suite 11, Woodbridge, VA 22191.

Contractor serving the State of Missouri: Blue Hills Homes Corporation, 1020 East 63rd Street, Kansas City, MO 64110.

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

This system contains records on selected elementary and secondary school students whom:

- (1) Attend private schools;
- (2) Reside in target areas of bypassed local educational agencies; and

(3) Participate in the program for students who are failing or most at risk of failing under Title I of the Elementary and Secondary Education Act of 1965 as amended.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system contains student documents such as test scores, report cards, individual instructional records and reports from teachers to other teachers and parents.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Elementary and Secondary Education Act of 1965 1120(d), 20 U.S.C. 6321.

**PURPOSE(S):**

The information contained in this system is used for a variety of purposes. The standardized test scores obtained at the beginning of a year are used to determine the eligibility of students for participation in the Title I program. The report cards and reports of Title I teachers to regular classroom teachers and to parents are used to report the progress students are making during the school year. The scores on the achievement tests given at the end of a school year are used to measure the progress students have made during the year and the degree to which the objectives of the Title I progress have been met. The purpose of the individual instructional record is to provide a plan for meeting the students' instructional needs.

**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 on 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) *Educational Disclosures.* Title I teachers make information contained in this system of records available to regular classroom teachers and to the parents of those students to explain the eligibility of students and their progress in the Title I program. Supervisors of the Title I teachers also use the information contained in this system of records as a part of the monitoring process to measure progress being made toward achieving program objectives.

(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) *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.

(4) *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.

(c) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records as a routine use to the party, counsel, representative or witness.

(5) *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.

(6) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies and Professional Organizations.* The Department may disclose a record to a Federal, State, local, or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, 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, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(7) *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.

(8) *Employee Grievance, Complaint or Conduct Disclosure.* The Department may disclose a record in this system of records to another agency of the Federal Government if the record is relevant to one of the following proceedings

regarding a present or former employee of the Department: complaint, grievance, discipline or competence determination proceedings. The disclosure may only be made during the course of the proceeding.

(9) *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.

(10) *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.

**DISCLOSURES 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:**

Each student's records are kept in a separate file folder. All folders are filed in a locked filing cabinet in the Title I classroom. After a student no longer participates in the program, his or her records are transferred to the contractor's office or storage facility where they are stored in locked filing cabinets.

**RETRIEVABILITY:**

The records are indexed by student names, school attended and year of attendance at that school.

**SAFEGUARDS:**

The records are secured in a locked filing cabinet. The key is kept by the Title I teacher. After a student no longer participates in the program, the records are transferred to the contractor's office or storage facility where they are stored in a locked filing cabinet. Direct access is restricted to the Title I teacher and

aide during the day-to-day program operation. The instructional supervisor, representatives of the contractor, and Department of Education staff have access during monitoring visits.

**RETENTION AND DISPOSAL:**

Records are maintained in the contractor's office or storage facility for at least three years after final payment on the contract. Disposal of records are in accordance with the Department of Education Records Disposition Schedules (ED/RDS).

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

Director, Compensatory Education Programs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3W230, Washington, DC 20202.

**NOTIFICATION PROCEDURE:**

If a student or his or her parent or guardian wishes to determine whether a record exists regarding them in this system of records, he or she must notify the appropriate contractor for the State served by the bypass contract. The name and address of the appropriate contractor is listed under the system location of this notice. For identification, the authorized individual seeking information should provide the name, home address, and school of the student for whom information is being requested. The request must meet the requirements in the regulations at 34 CFR 5b.5.

**RECORD ACCESS PROCEDURES:**

In order to gain access to a record in this system, you should contact the contractor listed in the system location or the system manager. You should provide the contractor with the information listed in the Notification Procedure of this notice and reasonably specify the record contents being sought. The 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 the record of a participating Title I student, you should contact the contractor for the State served by the bypass contract. You should identify yourself and state, in writing, which portion of the record you desire to be changed and provide a justification and authorization for the change. The contractor will forward the request to the system manager. The request must meet the requirements of the regulations at 34 CFR 5b.7.

**RECORD SOURCE CATEGORIES:**

The information in this system comes from test scores on achievement tests for

program eligibility administered at private schools and class performance information from the regular class teachers.

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

None.

**18-14-02**

**SYSTEM NAME:**

Fellowships for Indian Students—Applications and Awards.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Office of Indian Education, Office of Elementary and Secondary Education, 1250 Maryland Avenue, SW., Room 4300, Portal Building, Washington, DC 20202-6335.

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

American Indians who are citizens of the United States or residents of the United States for other than a temporary purpose, who have been accepted by institutions of higher education in a program leading to an undergraduate or graduate degree in the fields of Business Administration, Engineering and Natural Resources or related fields, and graduate degree in the fields of education, law and medicine or related fields, and who have applied to Department's Office of Indian Education for a fellowship.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, address, phone number, date and place of birth, tribal affiliation, tribal roll number, social security number, sex, marital status, citizenship, names of dependents, educational background, employment background, educational transcripts, references, income information, admission test scores.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Indian Education Act of 1972, as amended, Pub. L. 92-318, Part B, section 423.

**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 purpose 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) *Advisory Council Disclosure.*

Information may be released to members of the National Advisory Council on Indian Education.

(2) *Field Readers Disclosure.* Field Readers for the purpose of determining eligibility and recommending awardees; selected data for developing brochures describing the Fellows and their career goals for public information purposes.

(3) *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.

(4) *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) or (d) of this routine use under the conditions specified in those paragraphs:

(i) The Department of Education, 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; or

(iv) Any Department employee in his or her official 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.

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

**STORAGE:**

The records are maintained in hard copy, filed in locked standard file cabinets.

**RETRIEVABILITY:**

Records are accessed by individual names only by authorized Department staff and Field Readers for the purposes of determining eligibility; selecting Fellows; Establishing allowances for stipends, dependents, tuition, and other expenses; determining continued eligibility; and developing profile information regarding recipients of fellowships for program evaluation,

planning, reporting and publicity purposes.

**RETENTION AND DISPOSAL:**

Records on fellowship holders are maintained and disposed of in accordance with the Department of Education Records Disposition Schedules (ED/RDS).

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

Director, Office of Indian Education, Office of Elementary and Secondary Education, ATTN: Education Program Specialist for Fellowships, U.S. Department of Education, 400 Maryland Avenue SW., Room 4300, Washington, DC 20202-6335.

**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, the year of the award, the name of the grantee institution, and type of award. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

**RECORD ACCESS PROCEDURES:**

To gain access to records regarding you in this system of records, follow the Notification Procedure described above. 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 this system of records, contact the system manager at the address listed 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 is obtained from the individual applicant and from references submitted by the applicant on approved forms.

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

None.

**18-15-01**

**SYSTEM NAME:**

Bilingual Education Graduate Fellowship Program.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

U.S. Department of Education, Office of Bilingual Education and Minority Languages Affairs, 330 C Street, SW.,

Room 5618, Washington, DC 20202-6642.

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

This system contains records about individuals who apply for acceptance in the program, and if approved, who participate in the fellowship program.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system consists of a variety of records relating to a student's application for, and participation in, the fellowship program. In addition to the student's name, the system contains the student's address, telephone number, social security number, name of the institution attended, amount of award, obligation status, degree sought, field of study, and the name and address of the employer.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title VII, Part A of the Bilingual Education Act of 1994, as amended (Pub. L. 103-382) (20 U.S.C. 7475 (1994)). The program regulations are found in 34 CFR part 535.

**PURPOSE(S):**

The information contained in this system is used for the purposes of administering the Bilingual Education Graduate Fellowship Program, including enforcing the terms and conditions of the contracts signed by the fellows, permitting the collections on loans, and locating delinquent or defaulted debtors.

**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 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.

(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, ED 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) *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.

(d) *Parties, counsels, representatives and witnesses.* If the Department 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 may disclose those records

as a routine use to the party, counsel, representative or witness.

(4) *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.

(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 an audit, inspection, or other inquiry related to the programs covered by this system.

(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) *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 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.

(9) *Disclosure to the Office of Management and Budget (OMB) for Credit Reform Act (CRA) Support.* The Department may disclose records to OMB as necessary to fulfill CRA requirements.

#### DISCLOSURE TO CONSUMER REPORTING AGENCIES:

*Disclosures pursuant to 5 U.S.C. 552a(b)(12):* The Department may disclose to a consumer reporting agency information regarding a claim by the

Department which is determined to be valid and overdue as follows: (1) The name, address, taxpayer identification number and other information necessary to establish the identity of the individual responsible for the claim; (2) the amount, status, and history of the claim; and (3) the program under which the claim arose. The Department may disclose the information specified in this paragraph under 5 U.S.C. 552a(b)(12) and the procedures contained in subsection 31 U.S.C. 3711(e). A consumer reporting agency to which these disclosures may be made is defined at 31 U.S.C. 3701(a)(3).

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

##### STORAGE

The records are maintained in hard copy and on an access-controlled personal computer.

##### RETRIEVABILITY:

The file is indexed by Social Security number or name. Data for awards made under the Bilingual Education Graduate Fellowship Program are retrieved by social security number or name.

##### SAFEGUARDS:

All physical access to the Department's 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. The computer system employed by the Department offers a high degree of resistance to tampering and circumvention. This security system limits data access to Department and contract staff on a "need-to-know" basis, and controls individual users' ability to access and alter records within the system. All users of this system of records are given a unique user ID with personal identifiers. All interactions by individual users with the system are recorded.

##### RETENTION AND DISPOSAL:

Records of individual awards are destroyed five years after cancellation, forgiveness, final payment to grantee, or audit, of the loan, whichever is sooner. Records relating to those individuals who are not approved to participate in the fellowship program are transferred to the Federal Records Center and destroyed three years after the date of rejection or withdrawal.

##### SYSTEM MANAGER AND ADDRESS:

Education Program Specialist,  
Bilingual Education Graduate  
Fellowship Program, Office of Bilingual

Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5618, Switzer Building, Washington, DC 20202-6642.

**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, date of birth, social security number, and the name of the school through which the award was obtained. You may present your request in person at the system manager's address indicated above. 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 this system of records,

you should contact the system manager and provide the information as described in the Notification Procedure. In order to avoid excessive delays and exchanges of correspondence, you are encouraged to request both notification and access at the same time. Requests for access to a record should reasonably specify the particular record content being sought. 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 information contained in a record in this system of records, you should contact the system manager. Requests for amendment of records may be made either in writing or in person, and should specify: (1) The system of records from which the record is to be retrieved; (2) the particular

record requested for amendment; (3) whether a deletion, an addition, or a substitution is being sought; and (4) the reason(s) for the requested change(s). You should include in your requests any appropriate documentation supporting the requested change(s). Your request must meet the requirements of the regulations at 34 CFR 5b.7.

**RECORD SOURCE CATEGORIES:**

Information is obtained from fellowship recipients, institutions of higher education, and employers.

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

None.

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