

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.*