

PRIVACY ACT ISSUANCES

has previously been filed in a judicial or administrative office, including the clerk of the court; (12) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in civil or criminal proceedings in which the United States or one of its officers or agencies has an interest; (13) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making positions to which they were appointed by the President, in accordance with the provisions of 28 C.F.R. 17.60; (14) copies of the summons (protest and reappraisal appeals, where appropriate) and the communication logs are made available to employees of the private contractor who services the data processing system in New York for the purpose of enabling such employees to extract all pertinent information from said documents so that such information may be encoded and converted to punch card form.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) The case files utilize standard file jackets or envelopes and are maintained in standard file cabinets; (2) The alphabetical index cards are maintained in standard file cabinets; (3) The communication logs are maintained in looseleaf binders and, when not being currently referred to, are also maintained in standard file cabinets; (4) The information in the data processing system is maintained on tapes stored in the Data Services Center.

Retrievability: (1) The case files must be retrieved by number. The file number may be ascertained from the alphabetical index when the name of any non-government litigant is known. (2) The information contained in the data processing system may be retrieved through the retrieval tool activated by an attorney making a request for a report to the computer technician who codes the request on a form in the format of the retrieval language. The action words of the retrieval reports are: List - lists the case numbers of the cases which satisfy certain criteria such as plaintiff's name, counsel's name, court number, merchandise, competing statutory provisions, Government counsel. Write - output and the full history for any case specified by case number. Write * - a limited case history for any case specified by case number. Count - tallying the number of cases in the data base contained in the request.

Safeguards: (1) Information contained in the system is unclassified. However, only attorneys in the Customs Section who have responsibility for the case may properly obtain a case file. Correspondence and telephone calls about particular cases are referred to the attorney having responsibility for the case. In the attorney's absence, another attorney covering for the absent attorney or the Chief of the Section may respond to the telephone call or correspondence. The index files and the communication logs are utilized only by the personnel of the Customs Section in locating or verifying information contained in the system. (2) Information from the data processing system may be obtained only by attorneys on the basis of requests made in writing on a proper form supplied by the Customs Section. The request is made of the computer technician. Normally these requests are mailed to the technician in charge at the Data Services Center, but occasionally the request may be related telephonically by the computer technician.

Retention and disposal: (1) Closed case files are sent to the Federal Records Center for retention in accordance with the authorized Records Disposal Schedule for the classification of the case. Such schedules are approved by the National Archives. After the designated period is passed, the file is destroyed. The communication logs are sent to the Federal Records Center for retention in accordance with the authorized records disposal schedule after five years. After the designated period those records are also destroyed. The index cards, however, are not purged. (2) Periodically, the inactive cases will be purged from the main tape in the data processing system and transferred to the historical tape where the information will be retained indefinitely. There is a provision in the data processing system to delete and remove an entire case history from the main or historical tape. This may be done on request from the Chief of the Customs Section and such removed cases will not be saved or written on any other tape.

System manager(s) and address: Assistant Attorney General, Civil Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

Record access procedures: A request for information concerning the cases of the Customs Section of the Civil Division should be submitted in writing, with the envelope and letter clearly marked 'Privacy Access Request'. The request should include the file number and/or the names of any non-government litigant known to the requestor. The requestor should also provide a return address for transmitting the information. Such access request should be submitted to the System Manager listed above.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the Assistant Attorney General, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530. The request should clearly state what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories: All litigants involved in the cases of this Division are sources of information. Such information is either contained in the record material in the case files or has been extracted from that record material and put on communication logs and/or index cards.

Systems exempted from certain provisions of the act: None.

JUSTICE/CIV - 003

System name: Office of Alien Property File System.

System location: 550 11th Street, N.W., Washington, D.C. 20530.

Categories of individuals covered by the system: Any and all parties involved in the cases, claims and matters handled by the Office of Alien Property may have identifying data contained in this system.

Categories of records in the system:

1. This system consists of indices and files relative to enemy-owned property, reporting sources, ownership, vesting, and claims for the return thereof. Each vesting order is assigned a general file number, and each claim has a separate file number. Separate account files are maintained on vested property for each alien account.
2. Alphabetical and numerical indices are utilized as a means of access to the proper general file by the cross-referencing of the names of all individual former property owners and claimants with the general files.
3. Records of litigation involving the Office of Alien Property are contained in this system. There are also alphabetical and numerical indices to facilitate access to these cases.

Authority for maintenance of the system: The Office of Alien Property files are maintained under the authority of 44 U.S.C. 3101 and 50 U.S.C. App. 40, Title II of the International Claims Settlement Act, and was established in accordance with 28 C.F.R. 0.47 which states in part 'The Office of Alien Property shall be a part of the Civil Division ...' and thereafter describes the authority, rights, privileges, powers, duties and functions of that office.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Any record pertaining to any case or matter in the Civil Division may be disseminated to any other component of the Department of Justice, including the Federal Bureau of Investigation and the United States Attorney offices, for use in connection with the consideration of that case or matter or any other case or matter under consideration by the Civil Division or any other component of the Department of Justice.

Certain information contained in the record may also be disseminated to the U.S. Customs Service, the Department of the Treasury, the International Trade Commission, the Department of State, or any other agency of the Government whose decision is being challenged in a case assigned to the Customs Section for disposition. A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) in any case in which there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, the record in question may be disseminated to the appropriate Federal, state, local or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal or regulatory in nature, or during the course of a trial or hearing, or the preparation for a trial or hearing for such violation, a record may be disseminated to a Federal, state, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record relating to a case or matter may be disseminated in an appropriate Federal, state, local or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; (4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion of such matters as settlement of the case or matter, plea bargaining, or formal or informal discovery proceedings; (6) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, or where the agency or officials thereof are a party to litigation or where the agency or officials may be affected by a case or matter, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter; (7) a record relating to a person held in custody pending or during arraignment, trial, sentence or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a Federal, state, local or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person; (8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (9) a record may be disseminated to a Federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; (10) a record may be disseminated 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 information relates to the requesting agency's decision on the matter; (11) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, provided that the record does not contain any information identifiable to a specific individual other than is necessary to identify the matter or where the information has previously been filed in a judicial or administrative office, including the clerk of the court; (12) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in civil or criminal proceedings in which the United States or

one of its officers or agencies has an interest; (13) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making positions to which they were appointed by the President, in accordance with the provisions of 28 C.F.R. 17.60; (14) records are also available to the public for inspection and distribution as set forth at 8 C.F.R. 503.1, including (a) Annual Reports of the Office of Alien Property, and (b) final determinations, opinions and orders in cases heard or reviewed within the Office of Alien Property; (15) records and documents are available for inspection by persons properly and directly concerned in connection with claims filed with the Office, records in cases heard or reviewed in the Office, and authorizations for sale and records of bids in public sales and orders for their acceptance or rejection and notifications thereof; (16) any record or portion thereof may also be disseminated to the Department of the Treasury and to the Foreign Claims Settlement Commission as a matter of routine use when such record relates to matters within the jurisdiction of the Office of Foreign Assets Control, Department of the Treasury, or claims being processed before the Foreign Claims Settlement Commission; (17) any record or portion thereof relating to an estate or trust matter under the jurisdiction of the probate courts of the several states may be disseminated to the parties and their representatives or to the courts, in proceedings involving the property owned or claimed to have been owned by a designated national of an enemy country under the provisions of the Trading with the Enemy Act; (18) any record may be disseminated to the Department of State for any negotiation or other action relating to the Office of Alien Property or to any subject matter which is, or was at one time, under the jurisdiction of the Office of Alien Property.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in the system is stored in standard file jackets, and on index cards, within standard filing cabinets.

Retrievability: The files and index cards must be retrieved by file numbers, which can be ascertained from alphabetical indices if the name of the non-government party is known, or from numerical indices relating to the various vesting orders, accounts, claims, or cases.

Safeguards: Information in the system is regarded as confidential, pursuant to 8 C.F.R. 503.17. Departmental rules and procedures are in force that insure that only Departmental attorneys and their authorized agents have access to this information.

Retention and disposal: A file is closed when one of the following occurs:

1. The vesting order has been complied with and the property disposed of pursuant to the Trading with the Enemy Act, and all claims have been processed.
2. A case involving the Office of Alien Property has ended by the final termination of the litigation through a compromise settlement, court decision or any other method of termination for court cases.

PRIVACY ACT ISSUANCES

The file is then retained in the Federal Records Center for a number of years and thereafter may be destroyed. Index cards are retained for as long as may be practicable.

System manager(s) and address: Assistant Attorney General, Civil Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

Notification procedure: Address inquiries to Assistant Attorney General, Civil Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

Record access procedures: A request for access to a record within the Office of Alien Property system involving matters of privacy and which is not otherwise available to the party requesting the same should be submitted in writing, with the envelope and letter clearly marked 'Privacy Access Request'. The request should include file or account numbers and/or the names of any known non-government parties. The requestor should also provide a return address for transmitting the information. Such access requests should be submitted to the System Manager listed above.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above. The request should clearly state what information is being contested, the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: All claimants to property, as well as former depositories, are sources of information, also other offices and agencies operating under provisions of the Trading with the Enemy Act.

Systems exempted from certain provisions of the act: None.

JUSTICE/CRT - 001

System name: Central Civil Rights Division Index File and Associated Records.

System location: U.S. Department of Justice; Civil Rights Division; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530; and, Todd Building; 550 - 11th Street, N.W.; Washington, D.C. 20530; and, Federal Records Center; Suitland, Maryland.

Categories of individuals covered by the system: Persons referred to in potential or actual cases and matters of concern to the Civil Rights Division and correspondents on subjects directed or referred to the Civil Rights Division.

Categories of records in the system: The system consists of alphabetical indices bearing individual names and the associated records to which the indices relate containing the general and particular records of all Civil Rights Division correspondence, cases, matters, and memoranda, including but not limited to, investigative reports, correspondence to and from the Division, memoranda, legal papers, evidence, and exhibits.

Authority for maintenance of the system: This system is established and maintained pursuant to 44 U.S.C. 3101. It is also maintained to implement the Civil Rights Division's responsibilities under 28 C.F.R. 0.50 to enforce Federal criminal and civil statutes affecting civil rights.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

A. Information in the system may be used by employees and officials of the Department to make decisions in the course of investigations and legal proceedings; to assist in preparing responses to correspondence from persons outside the Department; to prepare budget requests, Management by Objective (MBO) Program descriptions, and various reports on the work product of the Civil Rights Division; and to carry out other authorized internal functions of the Department.

B. A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) a record relating to a possible or potential violation of law, whether civil, criminal, or regulatory in nature may be disseminated to the appropriate federal, state or local agency charged with the responsibility of enforcing or implementing such law; (2) in the course of investigation or litigation of a case or matter, a record may be disseminated to a federal, state or local agency, or to an individual or organization, if there is reason to believe that such agency, individual or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a prospective witness or informant; (3) a record relating to a case or matter may be disseminated to an appropriate court, grand jury

or administrative or regulatory proceeding in accordance with applicable law or practice; (4) a record relating to a case or matter may be disseminated to an actual or potential party to litigation or his attorney a) for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or b) in formal or informal discovery proceedings; (5) a record relating to a case or matter that has been referred for investigation may be disseminated to the referring agency to notify such agency of the status of the case or matter or of any determination that has been made; (6) a record relating to a person held in custody or probation during a criminal proceeding, or after conviction, may be disseminated to any agency or individual having responsibility for the maintenance, supervision or release of such person; (7) a record may be disseminated to the United States Commission on Civil Rights in response to its request and pursuant to 42 U.S.C. 1975d.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in this system is stored manually on index cards and in file jackets.

Retrievability: A retrieval capability exists in this system through use of an index card system arranged alphabetically by the names of individuals or organizations that have been involved in possible civil rights violations either as the subjects of investigations by the Department or as victims and/or complainants. (Complaints received from individuals which have not been investigated by the Department have not been systematically indexed and information pertaining to such individuals may or may not be retrievable.) Information on such individuals may be retrievable from the file jackets by a number assigned and appearing on the index cards.

Safeguards: Information is safeguarded and protected in accordance with applicable Departmental rules and procedures.

Retention and disposal: There are no provisions for disposal of the records in the system although such procedures are currently under active consideration.

System manager(s) and address: Assistant Attorney General; Civil Rights Division; U.S. Department of Justice; Washington, D.C. 20530.

Notification procedure: Part of this system is exempted from this requirement under 5 U.S.C. 552a(j)(2) and (k)(2). Address inquiries to the System Manager listed above.

Record access procedures: Part of this system is exempted from this requirement under 5 U.S.C. 552a(j)(2), and (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record retrievable in this system shall be made in writing, with the envelope and letter clearly marked 'Privacy Access Request.' Include in the request the name of the individual involved, his birth date and place, and any other information which is known and may be of assistance in locating the record, such as the name of the civil rights related case or matter involved, where and when it occurred and the name of the judicial district involved. The requester will also provide a return address for transmitting the information. Access requests should be directed to the System Manager listed above.

Contesting record procedures: Individuals desiring to contest or amend non-exempt information retrievable in the system should