

Format for Federal Register Notice

[Billing Code] Must appear at the top of the document. This code (6450-01-P) is the same for all Departmental submissions.

U.S. DEPARTMENT OF ENERGY
PRIVACY ACT OF 1974
ESTABLISHMENT OF A NEW SYSTEM OF RECORDS

AGENCY:

U.S. Department of Energy

ACTION:

Proposed Establishment a New Privacy Act System of Records

SUMMARY: The summary paragraph should state briefly what action is being proposed in the notice; why the action is necessary; and the intended effect of the action.

DATES:

Effective date of action (40 days after publication)

ADDRESSES:

Office address for submission of comments

FOR FURTHER INFORMATION CONTACT:

Section should list identity of an AGENCY contact(s) and phone number(s) of a person who can answer public inquiries about the proposed action. This section will include a contact in the program/field office, the Office of General Counsel and the Director of the FOIA and Privacy Act Division. The contact person(s) cannot be a contractor employee.

SUPPLEMENTARY INFORMATION:

Contains any background information and other necessary information the readers of the document need to know. This section should contain citations to any authority and prior Federal Register that have been published when appropriate.

Issued in Washington, DC this _____ day of _____ 19_____.

SIGNATURE BLOCK

FORMAT FOR PRIVACY ACT SYSTEM NOTICE

SYSTEM NAME:

SECURITY CLASSIFICATION:

State whether the system contains classified information, unclassified information, or both.

SYSTEM LOCATION:

State the address of the office where the system is located. If the system is maintained in more than one place, list the address for every location. Example: If the records are maintained both at Headquarters and a field office, include the Headquarters and the field office addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Identify the type of individuals about whom records will be maintained in the system. Example: A payroll system of records covers DOE employees and contractor employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

List the types of information contained in the records. Example: A payroll system might have employee name, address, phone number, social security number, annual salary, salary to date, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

List the Orders, regulations and statutes that authorize collection and maintenance of the records. If possible, cite a specific statute and regulation(s), rather than a general "housekeeping" statute such as "The DOE Organization Act of 1977." Give the full citation where possible. Example: The Privacy Act of 1974, as amended, Pub. L. 93-579, 5 U.S.C. Section 552a; implemented at 10 C.F.R. Part 1008.

PURPOSE:

State in layman terms the reason for maintaining the system of records. Example: A medical system of records might say: "To maintain documentation on patient health and to track patient progress."

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

List all of the types of disclosures that may/will be made to an outside entity. Exclude disclosures to DOE employees in the regular course of their duties, disclosures at the request of the individual to whom the record pertains, and the disclosures specified at Section 552a(b). Identify the person or organization to whom the disclosure may be made and the reason for the disclosure. These disclosures should be compatible with the PURPOSE given above. Example: "A record from this system may be disclosed to a foreign government in accordance with treaty obligations." Do not include disclosures to consumer reporting agencies (see next page).

(Optional) FAIR CREDIT REPORTING ACT:

The following language should be used if information in the system is disclosed to a consumer reporting agency: "A record from this system may be disclosed to a "consumer reporting agency" as defined by the Fair Credit Reporting Act, 15 U.S.C. 1681a(f), or the Federal Claims Collection Act of 1966, 31 U.S.C. 3701(a)(3), in accordance with 31 U.S.C. 3711(f).

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

STORAGE:

List all the ways the records are stored. Example: On-line database, paper records, etc.

RETRIEVABILITY:

State how the information will be retrieved. Example: By name, social security number, case number, etc.

SAFEGUARDS:

Describe measures to be instituted to prevent unauthorized people from retrieving the records. Example: "Access is limited by protecting the database with a password known only to those whose duties require access to the records and the system manager. Hard copies are stored in a locked metal file cabinet."

RETENTION AND DISPOSAL:

State how long records will be kept and how they will be disposed. Generally, retention and disposal will be governed by DOE Order 1324.5B and the appropriate records schedule. If the records are exempt from this Order, cite the appropriate statute, regulation, or the appropriate records schedule.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Give the title and address of the system manager. The system manager is the person who controls the records. If the system is maintained at more than one location, identify the system manager for every location.

NOTIFICATION PROCEDURES:

Describe how an individual can determine if the system contains information about him/her. Example: "Individuals who wish to know if information about them exists in the system should contact the Privacy Act Officer at the above address(es)."

RECORD ACCESS PROCEDURES:

Describe how an individual can obtain a copy of information about himself/herself in the system. (The access procedures should be in accordance to the Privacy Act regulations found at 10 CFR 1008).

CONTESTING RECORD PROCEDURES:

Describe how an individual can request to amend information or to have information removed from a system of records. If the request should be made to the person listed under one of the other categories, refer to the appropriate category. "Same as Notification Procedures above."

RECORD SOURCE CATEGORIES:

List all the sources for information in the record. Example: A medical database might say "a. Patients, b. Attending Physicians, c. Consulting Physicians," etc.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

List all Privacy Act exemptions that have been applied to the system. Include the text of the language and citations to the statute and regulation. If an exemption is not listed, it will not be possible to claim the exemption to withhold information from the record subject.

Sample Report

Amendments to Existing Systems of Records Subject to the Privacy Act

The U.S. Department of Energy (DOE) submits this report on amending existing systems of records, as required by the Privacy Act of 1974, 5 U.S.C. 552a and paragraph 4c(3) of Appendix 1 to Office of Management and Budget Circular A-130, Transmittal Memorandum No. 2.

The Department proposes to amend twelve existing systems of records to permit, as a routine use, disclosure of records in these systems for health studies and to entities providing advice to the Department's health studies program.

DOE is authorized to conduct its health studies program by authority incorporated by reference in Title III of the Department of Energy Organization Act at 42 U.S.C. §§ 7151 and 7297, including 42 U.S.C. §§ 2201(c), 2201(i)(3), 5813 and 5817 and Executive Order 12009.

The amendments should have minimal effects on privacy. Individuals are never identified in published studies. Health studies tend to benefit persons in the studied populations by identifying possible toxic agents and are not used to support determinations concerning any individual's rights, benefits, or privileges.

The privacy interests of individuals will be protected by a number of means. As a condition of releasing individually identifiable information for studies, surveys or surveillances managed or conducted by the Department, persons conducting studies will be required to: (1) keep personal information confidential; (2) use personal information only for purposes of studies in which there is no publication of the identity of any individual subject; (3) consult with DOE prior to any release of personally identifiable information obtained from the Department; (4) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record; (5) make no further use or disclosure of the record except, (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project under these same conditions and with written authorization of DOE, (c) for disclosure to an authorized person for the purpose of an audit related to the research project, and (d) when required by law. Additionally, the Department will secure a written statement attesting to the recipient's understanding of and willingness to abide by these provisions.

Pursuant to Memoranda of Understanding with the Department of Health and Human Services, 56 Fed. Reg. 9701, March 7, 1991; and the Agency for Toxic Substances and

Disease Registry ("ATSDR"), dated October 10, 1990, some of the studies, surveys and surveillances will be conducted by units of the Public Health Service, including the National Institute for Occupational Safety and Health and the National Center for Environmental Health of the Centers for Disease Control and Prevention, and ATSDR, their contractors, grantees, and cooperative agreement holders.

Privacy safeguards are in place regarding the studies to be conducted pursuant to the Memoranda of Understanding with the Department of Health and Human Services or its components. All components of the Department of Health and Human Services are subject to that Department's Privacy Act regulations, set forth at 45 C.F.R. §5b.2. Furthermore, in the Memoranda of Understanding, the Department of Health and Human Services has agreed: (1) not to use or disclose any personally-identifiable information obtained from DOE or its contractors and grantees except for research purposes or other public health activities required by law; (2) not to use information in identifiable form to make any determination about the rights, benefits, or privileges of any individual; (3) to use and disclose information in accord with agreements under which the personally-identifiable information was obtained by DOE or its contractors, provided such use or disclosure is consistent with applicable law; (4) to notify DOE of any efforts on the part of anyone to use or obtain personally-identifiable information for purposes other than research or other public health activities required by law; (5) to use and take appropriate steps to prevent improper disclosure; (6) to establish or modify Privacy Act systems of records, broadening the "Categories of Individuals" section to specifically address information provided by DOE, as necessary, and consult with DOE regarding provisions of Privacy Act systems of records notices. Additionally, the Department of Health and Human Services requires its contractors, grantees, and cooperative agreement holders performing epidemiological studies or other public health activities to abide by conditions similar to those imposed by the Department, as described in this paragraph.

During business hours, records at the Department's sites are maintained in secured buildings with access limited to those whose official duties require access. During nonbusiness hours, the records are in secured rooms in guarded buildings. Authorization, classification, and software security will protect access to data and reports. Access to secured records is limited to individuals having a need-to-know as determined by the Department's Office of Epidemiologic Studies. Persons performing research will have access only to the records pertinent to the research project. Paper records are maintained in labeled cabinets. Magnetic disk or tape records will be secured in a computer storage area. Printed or readable reports will be under the control of a custodian and stored and processed as sensitive unclassified material.

The proposed new routine uses are:

- (1) A record from this system of records may be disclosed to facilitate health hazard evaluations, epidemiological studies, or other public health activities required by law performed by personnel, contractor personnel, grantees, and cooperative agreement holders of components of the Department of Health and Human Services, including the National Institute

for Occupational Safety and Health and the National Center for Environmental Health of the Centers for Disease Control and Prevention, and the Agency for Toxic Substances and Disease Registry pursuant to Memoranda of Understanding between the Department and the Department of Health and Human Services or its components.

(2) Subject to the same Privacy Act limitations applicable to employees of the Department, a record from this system of records may be disclosed as a routine use to contractors, grantees, participants in cooperative agreements, collaborating researchers, or their employees in performance of health studies or related health or environmental duties pursuant to their contracts, grants, and cooperating or collaborating research agreements. In order to perform such studies, the Department, its contractors, grantees, participants in cooperative agreements, and collaborating researchers may disclose a record to: federal, state, and local health and medical agencies or authorities; to subcontractors in order to determine a subject's vital status or cause of death; to health care providers to verify a diagnosis or cause of death; or to third parties to obtain current addresses for participants in health-related studies, surveys and surveillances. All recipients of such records are required to comply with the Privacy Act, to follow prescribed measures to protect personal privacy, and to disclose or use personally identifiable information only for the above described research purposes.

(3) A record from this system of records may be disclosed to members of DOE advisory committees, the Department of Health and Human Services Advisory Committee on Projects Related to Department of Energy Facilities, and to designated employees of Federal, State, or local government or government-sponsored entities authorized to provide advice to the Department concerning health, safety or environmental issues. All recipients of such records are required to comply with the Privacy Act, to follow prescribed measures to protect personal privacy, and to disclose or use personally identifiable information only for the purpose of providing advice to the Department or to the Department of Health and Human Services.

These uses are compatible with the purposes of the twelve systems being amended. As noted above, health studies are not used to support adverse determinations concerning any individual's rights, benefits or privileges and safeguards are in place to prevent the misuse of personally identified information. All recipients of personally identifiable information pursuant to these uses will be required to abide by the Privacy Act and take further steps to ensure that privacy interests are protected.