

USDA/FGIS-2: Investigations Undertaken by the Government Pursuant to the USGSA or AMA

SYSTEM LOCATION:

Federal Grain Inspection Service,
USDA, 1400 Independence Avenue, SW.,
Washington, D.C. 20250.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are regulated by the subject Acts and who have been investigated for possible violation of the Acts and/or against whom the Department recommends that an enforcement action be brought by the Government.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of investigatory material which may include intra- and interdepartmental recommendations pertaining to an alleged violation of the subject Acts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

7 U.S.C. 71 *et seq.*, 7 U.S.C. 1621 *et seq.*

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

(1) Referral to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute, or particular program statute, or by rule, regulation, or order issued pursuant thereto; (2) Disclosure to the Department of Justice for use in litigation when the agency, or any component thereof, or any employee of the agency in his or her official capacity, or any employee of the

agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation; provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected; (3) Disclosure in a proceeding before a court or adjudicative body before which the agency is authorized to appear, when the agency, or any component thereof, or any employee of the agency in his or her official capacity, or any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee, or the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the agency determines that use of such records is relevant and necessary to the litigation; provided, however, that in each case, the agency determines that disclosure of the records to the court is a use of the information contained in the records that is compatible with the purpose for which the records were collected; and (4) To answer Congressional inquiries made at the request of the individual from whose record information is disclosed.

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

STORAGE:

Records are maintained in file folders and incorporated in an automated data system.

RETRIEVABILITY:

Records are indexed by subject and chronological sequence. The subject could be the name of the individual.

SAFEGUARDS:

Government office buildings, locked offices, or locked file cabinets.

RETENTION AND DISPOSAL:

Records for basic investigations are retained for 5 years, unless the investigation involves licensee conflicts of interest, then records are to be retained for 10 years. Records are maintained in accordance with General Services Administration disposal

schedules, as implemented by FGIS Instruction 251.1, Records Management Program.

SYSTEM MANAGER AND ADDRESS:

Director, Compliance Division, USDA,
Federal Grain Inspection Service, 1400
Independence Avenue, SW.,
Washington, D.C. 20250.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The system has been exempted under 5 U.S.C. 552a(k)(2) from the requirement of 5 U.S.C. 552a (c)(3), (d), (e)(4) (G), (H), and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.