

[AAG/A Order No. 62-92]

Privacy Act of 1974; Systems of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) and Office of Management and Budget Circular No. A-130, Department components have reviewed their Privacy Act systems of records to identify changes that will more accurately describe their records. As a result, eight Department components are republishing systems of records.

Where possible, the changes have been italicized for public convenience. However, changes include (1) a new routine use (identified as "h.") for the Office of the Inspector General Investigative Records, JUSTICE/OIG-001; ¹ (2) a modified routine use for the Assistant United States Attorney Applicant Records System, JUSTICE/USA-016, the Appointed Assistant United States Attorneys Personnel System, JUSTICE/USA-017, and the INTERPOL-United States National Central Bureau (INTERPOL-USNCB) (Department of Justice) INTERPOL-USNCB Records System; and (3) the removal of certain Privacy Act exemptions from the General Files Systems of the Offices of the Deputy Attorney General (DAG) and Associate Attorney General (AAG).

The modified routine use was originally drafted to permit records disclosure to the National Archives and Records Service (NARS), General Services Administration (GSA), during records management inspections. The routine use has been modified consistent with Public Law 98-497 (44 U.S.C. 2102) which renamed NARS as the "National Archives and Records Administration" (NARA), and established it as a separate agency which nevertheless would continue to share its records management inspection responsibilities with GSA. Accordingly, the routine use has been changed to show that NARA and GSA are separate agencies which share access to records during these inspections. In addition, the exemptions from subsections (e)(4)(G) and (H) of the Privacy Act have been removed from the General Files Systems, JUSTICE/DAG-013 and JUSTICE/AAG-001. The exemptions are unnecessary because the Offices of the DAG and AAG are complying with these subsections for these systems.

¹ This system was originally published on September 25, 1991 (56 FR 48578), as the Office of the Inspector General Records Index, JUSTICE/OIG-001. The title of the system has been changed to more accurately describe the nature of the system.

Comments on the routine uses may be addressed to Patricia E. Neely, Staff Assistant, Systems Policy Staff, Information Resources Management, Justice Management Division, Department of Justice, Washington, DC 20530 (Room 1103, CAB Building). Please submit any comments by April 9, 1992.

Dated: January 30, 1992.

Anthony C. Moscato,
Acting Assistant Attorney General for Administration.

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JUSTICE/DAG-003**SYSTEM NAME:**

Drug Enforcement Task Force Evaluation and Reporting System

SYSTEM LOCATION:

Office of the *Deputy Attorney General*, United States Department of Justice, 10th and Constitution Avenue, NW., Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses individuals who are the subjects of official Federal investigations of the drug task force.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of case initiation and indictment records, and monthly reporting and sentencing forms regarding potential or actual targets of investigation of the drug task force.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained pursuant to 5 U.S.C. 301 and 21 U.S.C. 841.

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

These records may be disclosed to the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of privacy.

These records may be disclosed to a Member of Congress or staff acting on the Member's behalf when the Member or staff requests the information for investigative or policymaking purposes or to provide constituent assistance.

These records may be disclosed to members of the judicial branch of the Federal Government in response to a specific request where disclosure appears relevant to the authorized function of the recipient judicial office or court system.

These records may be disclosed to any civil or criminal law enforcement authorities, whether Federal, State, local, or foreign, which require information relevant to a civil or criminal investigation.

These records may be disclosed to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

These records may be disclosed to Federal, State, and local licensing agencies or associations which require information concerning the eligibility or suitability of an individual for a license or permit.

These records may be disclosed in a proceeding before a court or adjudicative body before which the

Office of the Deputy Attorney General is authorized to appear when (a) the Office of the Deputy Attorney General, or any subdivision thereof, or (b) any employee of the Office of the Deputy Attorney General in his or her official capacity, or (c) any employee of the Office of the Deputy Attorney General in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (d) the United States, where the Office of the Deputy Attorney General determines that litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by the Office of the Deputy Attorney General to be arguably relevant to the litigation.

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

STORAGE:

All records are stored in paper folders. All records, with the exception of indictment forms, are stored also on magnetic disks.

RETRIEVABILITY:

Records are generally retrieved by case number. Records may be retrieved by individual name or name of criminal organization.

SAFEGUARDS:

Paper folders are stored in a combination safe which is inside a locked room. This room is part of a locked suite of offices. The magnetic disks and computer are located in the same room; the computer has a key lock. Only those persons with a Top Secret clearance may actually access the computer by using a code.

RETENTION AND DISPOSAL:

Records are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Drug Enforcement Task Force, Office of the Deputy Attorney General, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

This system of records has been exempted from subsections (d) and (e)(4)(G) pursuant to subsections (j)(2) and (k)(2) of the Privacy Act. Thus no records are available under the Privacy Act. Nevertheless, Privacy Act (PA) requests are routinely processed under the Freedom of Information Act (FOIA) also. Therefore, to determine whether the system may contain a record which may be available under the FOIA, requests may be addressed to the System Manager listed above. Clearly

mark the envelope and the letter "FOIA/PA request."

RECORD ACCESS PROCEDURE:

This system of records has been exempted from subsections (d) and (e)(4)(H) pursuant to subsection (j)(2) and (k)(2) of the Privacy Act. Thus, no records are available under the Privacy Act. Nevertheless, Privacy Act (PA) requests are routinely processed under the Freedom of Information Act (FOIA) also. Therefore, to determine whether any records in the system are available under the FOIA, requests may be addressed to the System Manager listed above. Clearly mark the envelope and the letter "FOIA/PA request."

CONTESTING RECORD PROCEDURES:

The system of records has been exempted from subsections (d) and (e)(4)(H) of the Privacy Act. While the Freedom of Information Act permits access to certain records (see Record Access Procedures above), it contains no records contesting provisions.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include Federal, State, and local government agencies as appropriate, informants, and interested third parties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4); (d); (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published Federal Register.

JUSTICE/DAG-013

SYSTEM NAME:

General Files System of the Office of the Deputy Attorney General.

SYSTEM LOCATION:

Office of the Deputy Attorney General, United States Department of Justice, 10th and Constitution Avenue NW., Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses individuals who relate to official Federal investigations, policy decisions, and administrative matters of such significance that the Deputy Attorney General maintains information indexed to the name of that individual, including, but not limited to, subjects of litigation, targets of investigations, Members and staff members of Congress, upper-

echelon government officials, and individuals of national prominence or notoriety.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include case files, litigation materials, exhibits, internal memoranda and reports, or other records on a given subject or individual. Records vary in number and kind according to the breadth of the Deputy Attorney General's responsibilities (28 CFR 0.15) and are limited to those which are of such significance that the Deputy Attorney General has investigative, policy, law enforcement, or administrative interest. An index to these records is described under the caption "Retrievability."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained pursuant to 5 U.S.C. 301.

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

These records may be disclosed to the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of privacy.

These records may be disclosed to a Member of Congress or staff acting on the Member's behalf when the Member or staff requests the information for investigative or policy decisionmaking purposes or to provide constituent assistance.

These records may be disclosed to members of the judicial branch of the Federal Government in response to a specific request where disclosure appears relevant to the authorized function of the recipient judicial office or court system.

These records may be disclosed to any civil or criminal law enforcement authorities, whether Federal, State, local, or foreign, which require information relevant to a civil or criminal investigation.

These records may be disclosed to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

These records may be disclosed to officials and employees of the White House or any Federal agency which requires information relevant to an agency decision concerning the hiring, appointment, or retention of an employee, the issuance of a security clearance, the conducting of a security

or suitability investigation, the classifying of a job, or the issuance of a grant or benefit.

These records may be disclosed to Federal, State, and local licensing agencies or associations which require information concerning the eligibility or suitability of an individual for a license or permit.

These records may be disclosed in a proceeding before a court or adjudicative body before which the Office of the Deputy Attorney General is authorized to appear when (a) the Office of the Deputy Attorney General, or any subdivision thereof, or (b) any employee of the Office of the Deputy Attorney General in his or her official capacity; or (c) any employee of the Office of the Deputy Attorney General in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (d) the United States, where the Office of the Deputy Attorney General determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by the Office of the Deputy Attorney General to be arguably relevant to the litigation.

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

STORAGE:

Records are stored in paper folders and on index cards. As of April, 1982, the index record is also stored on magnetic disks.

RETRIEVABILITY:

Deputy Attorney General records created prior to 1973 were incorporated into Attorney General files, and are retrievable from the index to the General Files System of the Office of the Attorney General. Records created by the Office of the Deputy Attorney General since 1973 are indexed and retrieved manually by use of the subject title, individual's name, or Department component which created the record. As of April 1982, records may also be retrieved through a computerized logging system.

SAFEGUARDS:

Records are maintained in locked cabinets stored in a locked room or, in the case of those records that are classified, in safes or vaults stored in a locked room. The computer is also maintained in a locked room. The computer has a key lock and may be accessed only by persons with a Top Secret clearance by use of a code.

RETENTION AND DISPOSAL:

Records re kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Deputy Attorney General, Office of the Deputy Attorney General, United States Department of Justice, 10th and Constitution Avenue, NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

Address all inquiries to the system manager. These records will be exempted from subsections (c)(3) and (4); (d); (e)(1), (2), (3) and (5); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2), (k)(1), (k)(2), and (k)(5).

RECORD ACCESS PROCEDURES:

Make all requests for access to records from this system in writing to the system manager, and clearly mark both the letter and envelope "Privacy Act Request."

CONTESTING RECORD PROCEDURES:

Make all requests to contest or amend information maintained in the system in writing to the system manager. State clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include individuals, State, local and foreign government agencies as appropriate, the executive and legislative branches of the Federal Government, and interested third parties.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4); (d); (e)(1), (2), (3) and (5); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2), (k)(1), (k)(2), and (k)(5). Rules have been promulgated in accordance with the requirement of 5 U.S.C. 553(b), (c) and (e) and have been published in the *Federal Register*. These exemptions apply only to the extent that information in a record pertaining to a particular individual relates to official Federal investigations and law enforcement matters. Those files indexed under an individual's name and which concern policy formulation or administrative matters are not being exempted pursuant to 5 U.S.C. 552(j)(2), (k)(1), (k)(2), or (k)(5).

Justice/AAG-001

SYSTEM NAME:

General Files System of the Office of the Associate Attorney General.

SYSTEM LOCATION:

Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue, NW, Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses individuals who relate to official federal investigations, policy decisions and administrative matters of such significance that the Associate Attorney General maintains information indexed to the name of that individual including, but not limited to, subjects of litigation, targets of investigations, Members and staff members of Congress, upper-echelon government officials, and individuals of national prominence or notoriety.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include case files, litigation materials, exhibits, internal memoranda and reports, or other records on a given subject or individual. Records vary in number and kind according to the breadth of the Associate Attorney General's responsibilities (28 CFR 0.10) and are limited to those which are of such significance that the Associate Attorney General has investigative, policy, law enforcement, or administrative interest. An index record containing the subject title and/or individual's name is also maintained in the form of a paper logging system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained pursuant to 5 U.S.C. 301.

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

These records may be disclosed to the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of privacy.

These records may be disclosed to a Member of Congress or staff acting on the Member's behalf when the Member or staff requests the information for investigative or policymaking purposes or to provide constituent assistance.

These records may be disclosed to members of the judicial branch of the Federal Government in response to a specific request where disclosure appears relevant to the authorized function of the recipient judicial office or court system.