

## Narrative Statement for a New Privacy Act System of Records

Department of the Interior, National Park Service – NPS 31, Permits for Archeological Investigations

### **1. Describe the purpose of the system of records.**

The Regions of the National Park Service (NPS) maintain the Permit for Archeological Investigations Application system of records. The system provides a process for identifying and monitoring legitimate scientific investigations of archeological resources on park lands. The primary purpose of the system is to assist the National Park Service in identifying qualified and competent archeological research projects; monitoring fieldwork; and ensuring that all field records and copies of reports are submitted to the land manager and material objects are appropriately curated. The NPS Washington Support Office (WASO) Archeology Program provides information and policy guidance to park superintendents, and regional and park personnel on Permits for Archeological Investigations.

### **2. Identify the specific statute or Executive Order which authorizes the maintenance of the system of records.**

16 U.S.C. 470aa-470mm, The Archaeological Resources Protection Act of 1979; 54 U.S.C. 320301-320303, Monuments, Ruins, Sites, and Objects of Antiquity; and U.S.C. Title 54 - National Park Service and Related Programs.

### **3. Provide an evaluation of the probable or potential effect on the privacy of individuals.**

The system provides a process for identifying and monitoring legitimate scientific investigations of archeological resources on Federal lands. The primary purpose of the system is to assist the National Park Service in identifying qualified and competent archeological research projects; monitoring fieldwork; and ensuring that all field records and copies of reports are submitted to the land manager and material objects are appropriately curated. The NPS Washington Support Office (WASO) Archeology Program provides information and policy guidance to park superintendents, and regional and park personnel on Permits for Archeological Investigations.

The Permit for Archeological Investigations Application System collects and stores information from individuals, businesses or government entities (including personally identifiable information from individuals representing businesses) that apply or are granted permits for archeological investigations in units of the National Park Service.

DOI only collects information that is necessary to execute the responsibilities of the DOI National Park Service to assist the NPS in identifying qualified and competent archeological research projects; monitoring fieldwork; and ensuring that all field records and copies of reports are submitted to the land manager and material objects are appropriately curated.

There is no risk to individual privacy as the system will maintain sensitive personally identifiable information related to members of the public applying for a proposed archeological investigation (principal investigator, field director and permit administrator) and Federal employees (permit administrators). DOI has implemented privacy and security controls to ensure appropriate safeguards are in place to protect individual privacy and mitigate any risks to individuals.

**4. Explain how each proposed routine use is compatible with the purpose for which the records are collected and maintained.**

The proposed routine uses for the system of records are compatible with the purpose(s) for which the records are collected, or are necessary and proper for the efficient and effective conduct of the Federal government. The routine uses promote the integrity of the records in the system, the servicing and maintenance of the system, or carry out a statutory responsibility of the Federal government. Compatibility of each proposed new routine use is discussed below.

A. To the Department of Justice (DOJ), including Offices of the U.S. Attorneys, or other Federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

- (1) DOI or any component of DOI;
- (2) Any other Federal agency appearing before the Office of Hearings and Appeals;
- (3) Any DOI employee or former employee acting in his or her official capacity;
- (4) Any DOI employee or former employee acting in his or her individual capacity when DOI or DOJ has agreed to represent that employee or pay for private representation of the employee; or
- (5) The United States Government or any agency thereof, when DOJ determines that DOI is likely to be affected by the proceeding.

**Compatibility:** The proposed routine use is necessary and proper for the efficient and effective conduct of the Federal Government and to protect DOI interests. Save for special circumstances, DOJ is the only component in the Federal Government authorized to represent the United States, its officers, agencies and employees before a court, adjudicative body, or other administrative body. *See* 5 U.S.C. § 3106 ("Except as otherwise authorized by law, the head of an Executive department or military department may not employ an attorney or counsel for the conduct of litigation in which the United States, an agency, or employee thereof is a party, or is interested, or for the securing of evidence therefor, but shall refer the matter to [DOJ]."); *see also* 28 U.S.C. § 516 ("Except as otherwise authorized by law, the conduct of litigation in which the United States, an agency, or officer thereof is a party, or is interested, and securing evidence

therefore, is reserved to officers of [DOJ], under the direction of the Attorney General."); 28 U.S.C. § 519 ("Except as otherwise authorized by law, the Attorney General shall supervise all litigation to which the United States, an agency, or officer thereof is a party, and shall direct all United States attorneys, assistant United States attorneys, and special attorneys appointed under section 543 of this title in the discharge of their respective duties."). Accordingly, disclosures to DOJ are necessary to ensure the DOJ has the information required to represent the interests of the Government of the United States in any litigation or judicial proceeding involving the records in the system.

B. To a congressional office in response to a written inquiry that an individual covered by the system, or the heir of such individual if the covered individual is deceased, has made to the office.

**Compatibility:** In their capacity as constituents, requesters may contact a congressional office seeking their elected representative's assistance in matters involving agency officials, complaints, requests for access or amendment of their records. Accordingly, disclosures to congressional offices are needed to enable Members of the House or the Senate to carry out their congressional duties in an informed manner whereby they understand their constituents' needs and can, as a result, provide an informed response or service to them. This proposed routine use is compatible with the purpose of the system because requesters have the right to choose whether to resolve issues concerning their records personally or through their congressional office.

C. To the Executive Office of the President in response to an inquiry from that office made at the request of the subject of a record or a third party on that person's behalf, or for a purpose compatible with the reason for which the records are collected or maintained.

**Compatibility:** This proposed routine use is compatible with the purpose of the system because requesters have the right to choose whether to resolve issues concerning their records personally or to seek the assistance of the Executive Office of the President. Requesters, in their capacity as as constituents, may contact the Executive Office of the President seeking assistance with agency officials, or to file complaints regarding their records in the system, or even simply to request access to their records or amendment to such records. This proposed routine use enables the Executive Office of the President the means by which to assist in that regard when such assistance has been sought.

D. To any criminal, civil, or regulatory law enforcement authority (whether Federal, state, territorial, local, tribal or foreign) when a record, either alone or in conjunction with other information, indicates a violation or potential violation of law – criminal, civil, or regulatory in

nature, and the disclosure is compatible with the purpose for which the records were compiled.

**Compatibility:** This routine use is necessary and proper to allow agency officials to refer matters to the appropriate Federal, state, local, or foreign agencies, or other public authority agencies responsible for investigating or prosecuting violations of, or for enforcing, or implementing, a statute, rule, regulation, order, or license for the purpose of investigating related criminal activity, seeking civil judgement, and/or taking administrative action.

E. To an official of another Federal agency to provide information needed in the performance of official duties related to reconciling or reconstructing data files or to enable that agency to respond to an inquiry by the individual to whom the record pertains.

**Compatibility:** This routine use is compatible with the purpose of the system as it allows DOI to share information with other Federal agencies to assist in the performance of their responsibility to ensure records are accurate and complete, and to respond to requests from individuals who are the subject of the records.

F. To Federal, state, territorial, local, tribal, or foreign agencies that have requested information relevant or necessary to the hiring, firing or retention of an employee or contractor, or the issuance of a security clearance, license, contract, grant or other benefit, when the disclosure is compatible with the purpose for which the records were compiled.

**Compatibility:** This routine use is compatible with the purpose of the system, which includes preventing and deterring fraud committed against the Federal government. This routine use allows DOI to share information with organizations in relation to individuals who are seeking employment, or issuance of a security clearance, license, contract, grant, or other benefit; or who may be part of an illegal scheme to defraud the Federal government and may be criminally and civilly liable and/or subject to administrative actions under several statutes and regulations.

G. To representatives of the National Archives and Records Administration (NARA) to conduct records management inspections under the authority of 44 U.S.C. 2904 and 2906.

**Compatibility:** The proposed routine use is necessary and proper for the efficient and effective conduct of the Federal Government, and allows DOI to share information with the National Archives and Records Administration to perform oversight of records management functions pursuant to 44 U.S.C. 2904 and 2906.

H. To state, territorial and local governments and tribal organizations to provide information

needed in response to court order and/or discovery purposes related to litigation, when the disclosure is compatible with the purpose for which the records were compiled.

**Compatibility:** The proposed routine use is necessary and proper for efficient and effective Federal Government operations. This routine use allows DOI to share information with other government and tribal organizations when pursuant to a court order or discovery request as necessary and required to be compliant with our judicial system.

I. To an expert, consultant, grantee, or contractor (including employees of the contractor) of DOI that performs services requiring access to these records on DOI's behalf to carry out the purposes of the system.

**Compatibility:** This proposed routine use is compatible with the purpose of the system as it allows DOI to share information in support of compliance with Federal laws, including the Archaeological Resources Protection Act and the National Historic Preservation Act. Organizations under contract or agreement with DOI may also require information to support these functions. Additionally, DOI systems may rely on contracts to support and maintain the system. In these cases DOI may share information within the system to assist the contractor in providing the needed support for system maintenance.

J. To appropriate agencies, entities, and persons when:

- (1) DOI suspects or has confirmed that there has been a breach of the system of records;
- (2) DOI has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOI (including its information systems, programs, and operations), the Federal government, or national security; and
- (3) the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with DOI's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

**Compatibility:** Individuals must submit personally identifiable information to DOI in order to process Permit for Archaeological Investigation application actions. The proposed routine use is necessary and proper to allow DOI to share information in order to mitigate any harm resulting from a potential or confirmed data breach. OMB Memorandum M-17-12, "Preparing for and Responding to a Breach of Personally Identifiable Information," requires agencies to include this routine use in system of records notices for the purpose of preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal government, or national security resulting from a suspected or confirmed breach.

K. To another Federal agency or Federal entity, when DOI determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in:

- (1) responding to a suspected or confirmed breach; or
- (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

**Compatibility:** The proposed routine use is necessary and proper to allow DOI to assist another Federal agency or entity in its efforts to respond to a data breach. For example, DOI may be able to assist an agency in locating individuals affected by a breach. OMB Memorandum M-17-12, “Preparing for and Responding to a Breach of Personally Identifiable Information,” requires agencies to include this routine use in system of records notices for the purpose of preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal government, or national security resulting from a suspected or confirmed breach.

L. To the Office of Management and Budget (OMB) during the coordination and clearance process in connection with legislative affairs as mandated by OMB Circular A-19.

**Compatibility:** This proposed routine use is necessary and proper to allow DOI to share privacy information contained in the system with OMB as required under OMB Circular A-19, relating to specific, private individuals that are the subject of either proposed legislation, a pending bill, report, enrolled bill, or views letter when the legislation at issue is private relief legislation.

M. To the Department of the Treasury to recover debts owed to the United States.

**Compatibility:** The proposed routine use is necessary and proper to allow the Federal government to recover debts from employees. Recovery of such debts is authorized by the Debt Collection Improvement Act of 1996, Pub. L. No. 104-134 (Apr. 26, 1996). This law provides that any non-tax debt or claim owed to the United States that has been delinquent for a period of 180 days shall be turned over to the Secretary of the Treasury for appropriate action to collect or terminate collection actions on the debt or claim. Debt that is in litigation or foreclosure, with a collection agency or designated federal debt collection center, or that will be disposed of under an asset sales program, is exempt from transfer to the Secretary of the Treasury.

N. To the news media and the public, with the approval of the Public Affairs Officer in

consultation with counsel and the Senior Agency Official for Privacy, when it is necessary to preserve the confidence in the integrity of DOI or is necessary to demonstrate the accountability of its officers, employees, or individuals covered in the system, or when there exists a legitimate public interest in the disclosure of the information, except to the extent it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Compatibility:** The proposed routine use is compatible with the purpose of the system, which is to maintain the integrity of the records, and is necessary and proper to ensure the proper management of the system and effective Government functions. This routine use allows disclosure of information to the news media to maintain the public's confidence, demonstrate accountability, support law enforcement activities, and promote public safety. As a Department that regularly interacts with the public and relies heavily on public trust, DOI must be able to preserve its integrity and correct the record when necessary when a matter has become public knowledge and DOI determines that disclosure is necessary to preserve confidence in the integrity of DOI or accountability for its officials and employees. DOI may need to disclose information in furtherance of a legitimate law enforcement or public safety function to assist in the location of federal fugitives; provide notification of arrests; provide alerts, assessments, or similar information on potential threats to life, health, or property; or to keep the public appropriately informed of other law enforcement or Department matters or other matters of legitimate public interest where disclosure could not reasonably be expected to constitute an unwarranted invasion of personal privacy, in accordance with numerous Federal laws, Executive Orders and regulations including the Uniform Federal Crime Reporting Act, 28 U.S.C. 534; Intelligence, Reform and Terrorism Prevention Act of 2004 (Pub. L. 108-458); Homeland Security Act of 2002 (Pub. L. 107-296); USA PATRIOT ACT of 2001 (Pub. L. 107-56); USA PATRIOT Improvement Act of 2005 (Pub. L. 109-177); Tribal Law and Order Act of 2010 (Pub. L. 111-211). [DOI is a law enforcement agency that manages law enforcement, security, intelligence, detention and correction programs, and participates in information sharing activities related to homeland security, under numerous Federal laws, Executive Orders and regulations including the Uniform Federal Crime Reporting Act, 28 U.S.C. 534; Intelligence, Reform and Terrorism Prevention Act of 2004 (Pub. L. 108-458); Homeland Security Act of 2002 (Pub. L. 107-296); USA PATRIOT ACT of 2001 (Pub. L. 107-56); USA PATRIOT Improvement Act of 2005 (Pub. L. 109-177); Tribal Law and Order Act of 2010 (Pub. L. 111-211); and Criminal Intelligence Systems Operating Policies, 28 CFR part 23.] Under these circumstances there exists a legitimate public interest such as obtaining public or media assistance in the tracking, identifying, and apprehending of persons believed to be engaged in repeated acts of criminal behavior, and protecting the

public from imminent threat to life or property where necessary. Prior to any disclosure, DOI conducts an analysis to limit the disclosure to data relevant to the purpose of the routine use, minimize the effect of the disclosure, and ensure that the disclosure sheds light on Government operations and would not constitute a clearly unwarranted invasion of personal privacy.

O. To State Historic Preservation Offices in states where research took place that maintain inventory of known archeological sites located within the state, including sites on Federal lands.

**Compatibility:** The proposed routine use is necessary and proper to allow the State Historic Preservation Offices 1) to conduct a comprehensive statewide survey of historic property and maintain inventories of the property as directed by 54 U.S.C. § 302303, Responsibilities of State Historic Preservation Officer; and 2) to assist the Secretary of the Interior, under contract or cooperative agreement, to maintain historical and archeological data bases as indicated by 54 U.S.C. § 302304, Contracts and cooperative agreements. DOI transfers funding for maintaining inventories of historic properties (including archeological sites) statewide, and share information about sites and the projects that investigated them.

P. To Federal, state and local governments, tribal organizations, and members of the public to conduct consultations among agency officials and other parties with an interest in the effects of the undertaking (project, activity, or program either funded, permitted, licensed, or approved by a Federal Agency) on historic properties on park lands.

**Compatibility:** The proposed routine use is necessary and proper to allow the National Park Service meet its statutory responsibility to take into account the effects of its undertakings on historic properties as required by Section 106 of the National Historic Preservation Act (Public Law 89-665; 54 U.S.C. 300101 et seq.), The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties.

**5. Provide the OMB clearance numbers, expiration dates, and titles of any OMB approved information collection requirements contained in the system of records, or the titles and dates of submission for any pending requests made to OMB.**

The Permits for Archeological Investigations system is comprised of information taken from NPS form Application for Permit for Archeological Investigations, OMB Control Number: 1024-0037, Expiration Date: July 31, 2017.