

DEPARTMENT OF THE INTERIOR**National Park Service**

[Insert Accounting Code]

Privacy Act of 1974; System of Records

AGENCY: National Park Service, Interior.

ACTION: Notice of a New System of Records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, as amended, the Department of the Interior is issuing a public notice of its intent to create the National Park Service Privacy Act system of records, "Permits for Archeological Investigations – NPS-32." The system provides a process for identifying and monitoring legitimate scientific investigations of archeological resources on park lands. This newly established system will be included in the Department of the Interior's inventory of record systems.

DATE: This new system will be effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]. For new routine uses, subject to a 30 day period in which to comment on the routine uses described below. Please submit any comments by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: You may submit comments [identified by docket number] by any of the following methods:

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- **Mail:** Teri Barnett, Departmental Privacy Officer, U.S. Department of the

Interior, 1849 C Street NW, Room 7112, Washington, DC 20240.

- Hand-delivering comments to Teri Barnett, Departmental Privacy Officer, U.S. Department of the Interior, 1849 C Street NW, Room 7112, Washington, DC 20240.
- E-mail: *DOI_Privacy@ios.doi.gov*.

[All submissions received must include the agency name and docket number. All comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided.

You should be aware your entire comment including your personal identifying information such as your address, phone number, e-mail address, or any other personal identifying information in your comment may be made publicly available at any time. While you may request to withhold your personal identifying information from public review, we cannot guarantee we will be able to do so.]

FOR FURTHER INFORMATION CONTACT: Department Consulting Archeologist, U.S. Department of the Interior, 1849 C Street NW, Mail Stop 7508 MIB, Washington, DC 20240; or by telephone at 202-354-2123 or by e-mail to *dca@nps.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of the Interior (DOI), National Park Service maintains the “Permits for Archeological Investigations – NPS 32” system of records. The system provides a process for identifying and monitoring legitimate scientific investigations of archeological resources on Federal lands. The process complies with the requirements of

the Archaeological Resources Protection Act (6 U.S. Code § 470cc - Excavation and removal) in identifying and monitoring legitimate scientific investigations of archeological resources on Federal lands.

The new system will be effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], and the proposed new routine uses will be effective [INSERT DATE 30 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER], unless comments are received which would require a contrary determination. DOI will publish a revised notice if changes are made based upon a review of the comments received.

II. Privacy Act

The Privacy Act of 1974, as amended, embodies fair information practice principles in a statutory framework governing the means by which Federal agencies collect, maintain, use, and disseminate individuals' personal information. The Privacy Act applies to records about individuals that are maintained in a "system of records." A "system of records" is a group of any records under the control of an agency for which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. The Privacy Act defines an individual as a United States citizen or lawful permanent resident. Individuals may request access to their own records that are maintained in a system of records in the possession or under the control of DOI by complying with DOI Privacy Act regulations at 43 CFR Part 2, Subpart K.

The Privacy Act requires each agency to publish in the Federal Register a description denoting the type and character of each system of records that the agency

maintains, the routine uses of each system to make agency recordkeeping practices transparent, to notify individuals regarding the uses of their records, and to assist individuals to more easily find such records within the agency. The new “Permits for Archeological Investigations – NPS-32” system of records notice is published in its entirety below.

In accordance with 5 U.S.C. 552a(r), DOI has provided a report of this system of records to the Office of Management and Budget and to Congress.

Date: _____

Signed: _____
Teri Barnett
Departmental Privacy Officer

SYSTEM NAME AND NUMBER:

Permits for Archeological Investigations – NPS-32

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records pertaining to Permits for Archeological Investigations are maintained at
(1) the office of the Regional Director in each Region of the National Park Service and,
(2) the national park unit in which the archeological investigation is taking place.

SYSTEM MANAGER:

Department Consulting Archeologist, U.S. Department of the Interior, 1849 C

Street NW, Mail Stop 7508 MIB, Washington, DC 20240; 202-354-2123 or
dca@nps.gov.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

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.

PURPOSE(S) OF THE SYSTEM:

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.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system include members of the public applying for a proposed archeological investigation (principal investigator, field director and permit administrator) and Federal employees (permit administrators). This system contains records concerning corporations and other business entities, which are not subject to the Privacy Act. However, records pertaining to individuals acting on behalf of corporations and other business entities may reflect personal information.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains permits and applications for archeological investigations,

field notes, photographs, maps, reports, curriculum vitae for principal investigator and field director, and museum records; and may include permit number, name, address, telephone number, e-mail address, date, nature and location of proposed work, duration of project and fieldwork, proposed outlet(s) for public written dissemination of the results, and signature of permit administrator.

RECORD SOURCE CATEGORIES:

Records in the system are obtained from individuals and institutions who 1) apply for a Permit for Archeological Investigations; and 2) successfully obtain a Permit for Archeological Investigations.

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

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DOI as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

(1) (a) To any of the following entities or individuals, when the circumstances set forth in paragraph (b) are met:

(i) The U.S. Department of Justice (DOJ);

(ii) A court or an adjudicative or other administrative body;

(iii) A party in litigation before a court or an adjudicative or other administrative body; or

(iv) Any DOI employee acting in his or her individual capacity if DOI or DOJ has agreed to represent that employee or pay for private representation of the employee;

(b) When:

(i) One of the following is a party to the proceeding or has an interest in the proceeding:

(A) DOI or any component of DOI;

(B) Any other Federal agency appearing before the Office of Hearings and Appeals;

(C) Any DOI employee acting in his or her official capacity;

(D) Any DOI employee acting in his or her individual capacity if DOI or DOJ has agreed to represent that employee or pay for private representation of the employee;

(E) The United States, when DOJ determines that DOI is likely to be affected by the proceeding; and

(ii) DOI deems the disclosure to be:

(A) Relevant and necessary to the proceeding; and

(B) Compatible with the purpose for which the records were compiled.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) To an expert, consultant, 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.

(10) To appropriate agencies, entities, and persons when:

(a) DOI suspects or has confirmed that there has been a breach of the system of records;

(b) 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, program, and operations), the Federal government, or national security; and

(c) 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.

(11) 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:

(a) responding to a suspected or confirmed breach; or

(b) 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.

(12) 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.

(13) To the Department of the Treasury to recover debts owed to the United States.

(14) 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.

(15) 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 in order for the office to 1) conduct a comprehensive statewide survey of historic property and maintain inventories of the property; and 2) to assist the Secretary of the Interior, under contract or cooperative agreement, to maintain historical and archeological data bases.

(16) 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.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are stored in both paper format and electronic format. Paper records are contained in file folders stored in secured file cabinets. Electronic records are contained

in removable drives, computers, email and electronic databases.

POLICIES AND PRACTICES FOR RETRIEVABILITY OF RECORDS:

Records in the system may be retrieved by name, address, telephone number, or e-mail address.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Permits for Archeological Investigations are permanent, 15 year retention for paper and 3 year retention for electronic. The disposition authority can be found in NPS Records Schedule, DO-11D, Item 1 A.1. The NARA reference citation for the disposition authority is N1-079-08-001, Item 1A1. Permanent records that are no longer active or needed for agency use are transferred to the National Archives for permanent retention in accordance with NARA guidelines.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The records contained in this system are safeguarded in accordance with 43 CFR 2.226 and other applicable security and privacy rules and policies. During normal hours of operation, paper records are maintained in locked file cabinets under the control of authorized personnel. Computer servers on which electronic records are stored are located in secured DOI controlled facilities with physical, technical and administrative levels of security to prevent unauthorized access to the DOI network and information assets. Access granted to authorized personnel is password-protected, and each person granted access to the system must be individually authorized to use the system. A Privacy Act Warning Notice appears on computer monitor screens when records

containing information on individuals are first displayed. Data exchanged between the servers and the system is encrypted. Backup media are encrypted and stored in a locked and controlled room in a secure, off-site location.

All authorized users are trained and required to follow established internal security protocols and must complete all security, privacy, and records management training and sign the DOI Rules of Behavior. A Privacy Impact Assessment was conducted on the Permits for Archeological Investigations to ensure that Privacy Act requirements are met and appropriate privacy controls were implemented to safeguard the personally identifiable information contained in the system.

RECORD ACCESS PROCEDURES:

An individual requesting records on himself or herself should send a signed, written inquiry to the applicable System Manager identified above. The request must include the specific bureau or office that maintains the record to facilitate location of the applicable records. The request envelope and letter should both be clearly marked “PRIVACY ACT REQUEST FOR ACCESS.” A request for access must meet the requirements of 43 CFR 2.238.

CONTESTING RECORD PROCEDURES:

An individual requesting corrections or the removal of material from his or her records should send a signed, written request to the applicable System Manager as identified above. The request must include the specific bureau or office that maintains the record to facilitate location of the applicable records. A request for corrections or removal must meet the requirements of 43 CFR 2.246.

NOTIFICATION PROCEDURES:

An individual requesting notification of the existence of records on himself or herself should send a signed, written inquiry to the applicable System Manager as identified above. The request must include the specific bureau or office that maintains the record to facilitate location of the applicable records. The request envelope and letter should both be clearly marked "PRIVACY ACT INQUIRY." A request for notification must meet the requirements of 43 CFR 2.235.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None

HISTORY:

None.