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[Notices]

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DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS-2008-0092]

Privacy Act of 1974; Department of Homeland Security Mailing and

Other Lists System of Records

AGENCY: Privacy Office; DHS.

ACTION: Notice of Privacy Act system of records.

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SUMMARY: In accordance with the Privacy Act of 1974, the Department of

Homeland Security is giving notice that it proposes to update one

record system titled, DHS/ALL-002 Department of Homeland Security

Mailing and Other Lists System. Categories of records have been changed

to reflect the removal of emergency contact information which has been

moved to the Emergency Personnel Location System of Records (October

17, 2008). The routine uses of this system of records have been updated

to include the ability to share information for audits; for breach

mitigation; with Federal, State and local agencies; with the Department

of Justice; and with the news media. This updated system will be

included in DHS's inventory of record systems.

DATES: Written comments must be submitted on or before December 26,

2008.

ADDRESSES: You may submit comments, identified by docket number DHS-

2008-0092 by one of the following methods:

Federal e-Rulemaking Portal: <http://www.regulations.gov>.

Follow the instructions for submitting comments.

Fax: 1-866-466-5370.

Mail: Hugo Teufel III, Chief Privacy Officer, Privacy

Office, Department of Homeland Security, Washington, DC 20528.

Instructions: All submissions received must include the

agency name and docket number for this rulemaking. All comments

received will be posted without change and may be read at <http://www.regulations.gov>, including any personally identifiable information

provided.

Docket: For access to the docket to read background

documents or comments received, go to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For general questions and privacy

issues please contact: Hugo Teufel III (703-235-0780), Chief Privacy

Officer, Privacy Office, Department of Homeland Security, Washington,

DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Homeland Security (DHS) is updating and reissuing

an agency-wide system of records under the Privacy Act (5 U.S.C. 552a)

for DHS mailing and other lists. These lists are used to facilitate

mailings to multiple addressees and other activities in furtherance of

DHS duties. DHS and its components and offices use the system to

account for all persons appearing on mailing lists collected and

maintained throughout DHS to facilitate mailings to multiple addressees

and other activities in furtherance of DHS duties.

In accordance with the Privacy Act of 1974, DHS is giving notice

that it proposes to update one record system titled, DHS/ALL-002

Department of Homeland Security Mailing and Other Lists System (69 FR

70460 December 9, 2004). Categories of records have been changed to

reflect the removal of emergency contact information which has been

moved to Emergency Personnel Location System of Records (73 FR 61888

October 17, 2008). The routine uses of this system of records have been

changed to reflect the addition of information sharing for audits of

the Department and it's components; for breach mitigation to prevent

the unauthorized use or disclosure of information and to prepare for

privacy related incidents; with Federal, State and local agencies

related to tracking and completion of training; with the Department of

Justice; with the news media. This updated system will be included in

DHS's inventory of record systems.

II. Privacy Act

The Privacy Act embodies fair information principles in a statutory

framework governing the means by which the United States Government

collects, maintains, uses, and disseminates individuals' records. The

Privacy Act applies to information that is 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. In the Privacy Act,

an individual is defined to encompass United States citizens and legal

permanent residents. As a matter of policy, DHS extends administrative

Privacy Act protections to all individuals where systems of records

maintain information on U.S. citizens, lawful permanent residents, and

visitors. Individuals may request access to their own records that are

maintained in a system of records in the possession or under the

control of DHS by complying with DHS Privacy Act regulations, 6 CFR

Part 5.

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, and the routine uses that are

contained in each system in order to make agency recordkeeping

practices transparent, to notify individuals regarding the uses to

which their records are put, and to assist individuals to more easily

find such files within the agency. Below is the description of the DHS

Mailing and Other Lists System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of

this updated system of records to the Office of Management and Budget

and to Congress.

SYSTEM OF RECORDS

DHS/ALL-002

System name:

Department of Homeland Security Mailing and Other Lists System of

Records.

Security classification:

Unclassified.

System location:

This system of records is located in the Department of Homeland

Security,

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Washington, DC 20528, as well as in the component DHS offices.

Categories of individuals covered by the system:

All persons appearing on mailing lists maintained throughout DHS to

facilitate mailings to multiple addressees and other activities in

furtherance of DHS duties. These lists include persons who have

requested DHS material; members of the news media who have provided

contact information; persons who serve on DHS boards and committees

other than those covered by the Federal Advisory Committee Act which

are covered under DHS/ALL 009 Advisory Committees (73 FR 57639), and

other individuals having business with DHS who have provided contact

information; individuals who enter contests sponsored by DHS;

contractors or other individuals who work or attend meetings at DHS;

and other persons who attend or have an interest in DHS programs,

contests, exhibits, conferences, training courses, and similar events.

Categories of records in the system:

Categories of records in this system include:

Individual's name;

Age;

School grade; (where appropriate)

School name; (where appropriate)

Telephone numbers;

E-mail address;

Mailing address;

Position/title;

Business affiliation (where appropriate);

Other contact information provided to DHS by individuals

covered by this system of records; and

Computer-generated identifier or case number where created

in order to retrieve information.

Authority for maintenance of the system:

5 U.S.C. 301; 44 U.S.C. 3101.

Purpose(s):

The system is maintained for the purpose of mailing informational

literature or responses to those who request it; maintaining lists of

individuals who attend meetings; maintaining information regarding

individuals who enter contests sponsored by DHS; and for other purposes

for which mailing or contact lists may be created.

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 of

information contained in this system may be disclosed outside

Department of Homeland Security (DHS) as a routine use pursuant to 5

U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice or other Federal agency conducting

litigation or in proceedings before any court, adjudicative or

administrative body, when it is necessary to the litigation and one of

the following is a party to the litigation or has an interest in such

litigation:

1. DHS or any component thereof;

2. Any employee of DHS in his/her official capacity;

3. Any employee of DHS in his/her individual capacity where DOJ or

DHS has agreed to represent the employee; or

4. The United States or any agency thereof, is a party to the

litigation or has an interest in such litigation, and DHS determines

that the records are both relevant and necessary to the litigation and

the use of such records is compatible with the purpose for which DHS

collected the records.

B. To a congressional office from the record of an individual in

response to an inquiry from that congressional office made at the

request of the individual to whom the record pertains.

C. To the National Archives and Records Administration or other

Federal government agencies pursuant to records management inspections

being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency, organization, or individual for the purpose of

performing audit or oversight operations as authorized by law, but only

such information as is necessary and relevant to such audit or

oversight function.

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

1. DHS suspects or has confirmed that the security or

confidentiality of information in the system of records has been

compromised;

2. The Department has determined that as a result of the suspected

or confirmed compromise there is a risk of harm to economic or property

interests, identity theft or fraud, or harm to the security or

integrity of this system or other systems or programs (whether

maintained by DHS or another agency or entity) or harm to the

individual that rely upon the compromised information; and

3. The disclosure made to such agencies, entities, and persons is

reasonably necessary to assist in connection with DHS's efforts to

respond to the suspected or confirmed compromise and prevent, minimize,

or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants,

and others performing or working on a contract, service, grant,

cooperative agreement, or other assignment for DHS, when necessary to

accomplish an agency function related to this system of records.

Individuals provided information under this routine use are subject to

the same Privacy Act requirements and limitations on disclosure as are

applicable to DHS officers and employees.

G. To an appropriate Federal, State, tribal, local, international,

or foreign law enforcement agency or other appropriate authority

charged with investigating or prosecuting a violation or enforcing or

implementing a law, rule, regulation, or order, where a record, either

on its face or in conjunction with other information, indicates a

violation or potential violation of law, which includes criminal,

civil, or regulatory violations and such disclosure is proper and

consistent with the official duties of the person making the

disclosure.

J. To the news media and the public, with the approval of the Chief

Privacy Officer in consultation with counsel, when there exists a

legitimate public interest in the disclosure of the information or when

disclosure is necessary to preserve confidence in the integrity of DHS

or is necessary to demonstrate the accountability of DHS's officers,

employees, or individuals covered by the system, 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.

Disclosure to consumer reporting agencies:

None.

Policies and practices for storing, retrieving, accessing, retaining,

and disposing of records in the system:

Storage:

Records in this system are stored electronically or on paper in

secure facilities in a locked drawer behind a locked door. The records

are stored on magnetic disc, tape, digital media, and CD-ROM.

Retrievability:

Information typically will be retrieved by an identification number

assigned by computer or case number where created for tracking

purposes, by e-mail address, or by name of an individual.

Safeguards:

Records in this system are safeguarded in accordance with

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applicable rules and policies, including all applicable DHS automated

systems security and access policies. Strict controls have been imposed

to minimize the risk of compromising the information that is being

stored. Access to the computer system containing the records in this

system is limited to those individuals who have a need to know the

information for the performance of their official duties and who have

appropriate clearances or permissions.

Retention and disposal:

Some records are retained and disposed of in accordance with the

National Archives and Records Administration's General Records Schedule

12 (Communications Records). Other records are retained and disposed of

in accordance with General Records Schedule 1. Files may be retained

for up to three years or less depending on the record. For records that

may be used in litigation, the files related to that litigation will be

retained for three years after final court adjudication.

System Manager and address:

For Headquarters components of the Department of Homeland Security,

the System Manager is the Director of Departmental Disclosure,

Department of Homeland Security, Washington, DC 20528. For components

of the Department of Homeland Security, the System Manager can be found

at <http://www.dhs.gov/foia> under ``contacts.''

Notification procedure:

Individuals seeking notification of and access to any record

contained in this system of records, or seeking to contest its content,

may submit a request in writing to the component's FOIA Officer, whose

contact information can be found at <http://www.dhs.gov/foia> under

``contacts.'' If an individual believes more than one component

maintains Privacy Act records concerning him or her the individual may

submit the request to the Chief Privacy Officer, Department of Homeland

Security, 245 Murray Drive, SW., Building 410, STOP-0550, Washington,

DC 20528.

When seeking records about yourself from this system of records or

any other Departmental system of records your request must conform with

the Privacy Act regulations set forth in 6 CFR Part 5. You must first

verify your identity, meaning that you must provide your full name,

current address and date and place of birth. You must sign your

request, and your signature must either be notarized or submitted under

28 U.S.C. 1746, a law that permits statements to be made under penalty

of perjury as a substitute for notarization. While no specific form is

required, you may obtain forms for this purpose from the Director,

Disclosure and FOIA, <http://www.dhs.gov> or 1-866-431-0486. In addition

you should provide the following:

An explanation of why you believe the Department would

have information on you,

Identify which component(s) of the Department you believe

may have the information about you,

Specify when you believe the records would have been

created,

Provide any other information that will help the FOIA

staff determine which DHS component agency may have responsive records,

If your request is seeking records pertaining to another

living individual, you must include a statement from that individual

certifying his/her agreement for you to access his/her records.

Without this bulleted information the component(s) will not be able

to conduct an effective search, and your request may be denied due to

lack of specificity or lack of compliance with applicable regulations.

Record access procedures:

See ``Notification procedure'' above.

Contesting record procedures:

See ``Notification procedure'' above.

Record source categories:

Information contained in this system is obtained from affected

individuals/organizations, public source data, other government

agencies and/or information already in other DHS records systems.

Exemptions claimed for the system:

None.

Dated: November 18, 2008.

Hugo Teufel III,

Chief Privacy Officer, Department of Homeland Security.

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