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[Notices]

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[FR Doc No: 2010-2206]

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DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS-2009-0042]

Privacy Act of 1974; Department of Homeland Security/ALL--024

Facility and Perimeter Access Control and Visitor Management 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 proposes to update and reissue Department of Homeland

Security/ALL--024 Facility and Perimeter Access Control and Visitor

Management System of Records to include record systems within the

Federal Protective Service. Categories of individuals, categories of

records, purpose and routine uses of this system have been reviewed and

updated to better reflect the Department's, including the Federal

Protective Service's, facility and perimeter access control and visitor

management record system. The activities performed by the Department's

facility and perimeter access control and visitor management systems

often overlap with other security-related activities. Accordingly, data

within each of the categories of individuals, categories of records,

and routine uses may have similarities with other security-related

systems of records, but each system is distinct based on its purpose.

 Further, this system of records is separate from Department of

Homeland Security/ALL 026--Personal Identity Verification Management

System of Records, June 25, 2009, which supports the administration of

the Homeland Security Presidential Directive--12 program, directing the

use of a common identification credential for both logical and physical

access to federally controlled facilities and information systems while

enhancing security, increasing efficiency, reducing identity fraud, and

protecting personal privacy.

 Records within this system apply only to perimeters and facilities

where access is controlled by the Department of Homeland Security or

its components, including the Federal Protective Service, and its

contract guards.

 Exclusion is made to perimeters and facilities secured by the U.S.

Secret Service pursuant to 18 U.S.C. 3056 and 3056A and are not

included under this system of records. Records pertaining to perimeters

and facilities secured by the

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U.S. Secret Service, other than those records subject to the

Presidential Records Act, are covered under Department of Homeland

Security/U.S. Secret Service--004 Protection Information System of

Records, December 19, 2008.

 There will be no change to the Privacy Act exemptions currently in

place for this system of records and therefore remain in effect. This

system will be included in the Department of Homeland Security's

inventory of record systems.

DATES: Written comments must be submitted on or before March 5, 2010.

This updated system will be effective March 5, 2010.

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

2009-0042 by one of the following methods:

 Federal e-Rulemaking Portal: [http://www.regulations.gov](http://www.regulations.gov/).

Follow the instructions for submitting comments.

 Fax: 703-483-2999.

 Mail: Mary Ellen Callahan, 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](http://www.regulations.gov/), including any personal information provided.

 Docket: For access to the docket to read background

documents or comments received, go to [http://www.regulations.gov](http://www.regulations.gov/).

FOR FURTHER INFORMATION CONTACT: For general questions and privacy

issues please contact: Mary Ellen Callahan (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) and its components and

offices rely on DHS/ALL--024 Facility and Perimeter Access Control and

Visitor Management System of Records (74 FR 3081, January 16, 2009) for

the collection and maintenance of records that pertain to facility and

perimeter access control and visitor management.

 DHS is updating and reissuing this Department-wide system of

records under the Privacy Act (5 U.S.C. 552a) for DHS facility and

perimeter access control and visitor management records, to include

records systems within the Federal Protective Service (FPS). DHS/ALL--

024 Facility and Perimeter Access Control and Visitor Management System

of Records is the baseline system for facility and perimeter access

control and visitor management, as led by the Office of the Chief

Security Officer. This will ensure that all components of DHS follow

the same privacy rules for collecting and handling access control and

visitor management records.

 The purpose of this system is to collect and maintain records

related to the Department's facility and perimeter access control,

including access to DHS information technology and access to classified

facilities, as well as visitor security and management. The

Department's authority for this collection is primarily 5 U.S.C. 301;

the Homeland Security Act, codified in Title 6 of the U.S. Code; 44

U.S.C. 3101; Executive Order (EO) 9397; EO 12968; and Federal Property

Regulations, issued July 2002. This system will collect individuals'

personal information to support the Department's efforts related to

protecting DHS facilities and operating the visitor management program.

Efforts have been made to safeguard records in accordance with

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. The routine uses posted are

unchanged from the previous publishing and consistent with the purpose

for collection. A review of this system is being conducted to determine

if the system of records collects information under the Paperwork

Reduction Act. Categories of individuals, categories of records, the

purpose, and routine uses of this system have been reviewed and updated

to better reflect the Department's, and FPS's, facility and perimeter

access control and visitor management records system. Specifically, the

Department has: Updated categories of individuals to include any

employee, contractor, consultant, intern, fellow, or other person with

regular access and an access control pass which grants unescorted

access to a DHS facility or other federal facility which DHS or its

components provide access control, including the FPS and its contract

guards, and those needing access to information technology systems, and

any visitor to a facility for which DHS or its components provide

access control and violators and those accused of security violations

of access or perimeter control and those related to incidents and

offenses in and around these facilities, and individuals, including

state and local government personnel and private-sector individuals,

who are authorized by DHS to access DHS facilities, and other federal

facilities where DHS controls access through its components, including

the FPS and its contract guards; updated categories of records to

include information pertaining to incidents and offenses; updated

routine uses to include disclosing information outside DHS to an

appropriate federal, state, tribal, local, or foreign government agency

or organization, or international organization, lawfully engaged in

collecting law enforcement intelligence, whether civil or criminal, or

charged with investigating, prosecuting, enforcing or implementing

civil or criminal laws, related rules, regulations or orders, to enable

these entities to carry out their law enforcement responsibilities,

including the collection of law enforcement intelligence, but only when

the disclosure is appropriate to the proper performance of the official

duties of the person receiving the disclosure, and disclosing

information to an appropriate federal, state, local, tribal, or foreign

government agency, international organization, or private organization

where the President or the Secretary of Homeland Security has declared

an event to be a National Special Security Event; and record source

categories has been updated to include records which are obtained from

individuals seeking employment or access to facilities for which DHS

and its components provide security and from individuals involved in

incidents and offenses that take place in or around those facilities.

 Privacy Impact Assessments (PIAs) have been conducted and are on

file for the (1) Personnel Security Activities Management System; (2)

Integrated Security Management System; (3) DHSAccessGate System; (4)

Automated Continuing Evaluation System (ACES) Pilot; (5) Personal

Identity Verification System; (6) Federal Protective Service

Information Support Tracking System (FISTS) Contract Suitability

Module; (7) Federal Protective Service Dispatch Incident Records

Management Systems; and (8) Livewave CCTV System along with other

related component specific PIAs and can be found at <http://www.dhs.gov/privacy>.

 Consistent with DHS's information sharing mission, information

stored in the DHS/ALL--024 Facility and Perimeter Access Control and

Visitor

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Management System of Records may be shared with other DHS components,

as well as appropriate federal, state, local, tribal, foreign, or

international government agencies. This sharing will only take place

after DHS determines that the receiving component or agency has a need

to know the information to carry out national security, law

enforcement, immigration, intelligence, or other functions consistent

with the routine uses set forth in this system of records notice.

 Records within this system apply only to perimeters and facilities

where access is controlled by DHS or its components, including the FPS,

and its contract guards.

 Exclusion is made to perimeters and facilities secured by the U.S.

Secret Service pursuant to 18 U.S.C. 3056 and 3056A and are not

included under this system of records. Records pertaining to perimeters

and facilities secured by the U.S. Secret Service, other than those

records subject to the Presidential Records Act, are covered under

Department of Homeland Security/U.S. Secret Service--004 Protection

Information System of Records (73 FR 77733, December 19, 2008).

 There will be no change to the Privacy Act exemptions currently in

place for this system of records and therefore remain in effect. This

system will be included in the DHS 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 individual's 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 from which information is stored and retrieved by

the name of the individual or by some identifying number such as

property address, mailing address, or symbol assigned to the

individual. In the Privacy Act, an individual is defined to encompass

United States citizens and lawful permanent residents. DHS extends

administrative Privacy Act protections to all individuals where

information is maintained on both U.S. citizens, lawful permanent

residents, and visitors. Individuals may request 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

5.21.

 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 record keeping

practices transparent, to notify individuals regarding the uses of

their records, and to assist individuals to more easily find such files

within the agency. Below is a description of DHS/ALL--024 Facility and

Perimeter Access Control and Visitor Management System of Records.

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

this new system of records to the Office of Management and Budget (OMB)

and to Congress.

SYSTEM OF RECORDS

DHS/ALL-024

System name:

 Department of Homeland Security (DHS)/ALL--024 Facility and

Perimeter Access Control and Visitor Management System of Records

Security classification:

 Unclassified, sensitive, for official use only, and classified.

System location:

 Records are maintained at several DHS Headquarters locations and in

component offices in both Washington, DC and field locations.

Categories of individuals covered by the system:

 Categories of individuals covered by this system include: (1) Any

employee, contractor, consultant, intern, fellow, or others with

regular access and an access control pass which grants unescorted

access to a DHS facility or other federal facility which DHS or its

components provide access control, including the FPS and its contract

guards, and those needing access to information technology systems, and

any visitor to a facility for which DHS or its components provide

access control; (2) violators and those accused of security violations

of access or perimeter control and those related to incidents and

offenses in and around these facilities; (3) applicants for employment,

contractors, or those needing unescorted access to these facilities or

information technology systems; (4) state and local government

personnel and private-sector individuals who serve on an advisory

committee and board sponsored by DHS; (5) individuals, including state

and local government personnel and private-sector individuals, who are

authorized by DHS to access DHS facilities, and other federal

facilities where DHS controls access through its components, including

the FPS and its contract guards, including classified facilities,

communications security equipment, and information technology systems

that process national or homeland security classified information.

Categories of records in the system:

 Categories of records in the system include:

 Individual's full name;

 Date and place of birth;

 Social security number;

 Note: For access to the Nebraska Avenue Complex, DHS employees,

including component employees and contractors, are not required to

provide date of birth or social security number to enter the

Nebraska Avenue Complex if they provide a HSPD-12 badge, component

badge, credential, or commission book. Component employees and

contractors will also provide name, component, and Nebraska Avenue

Complex point of contact name and phone number. Headquarters

employees and contractors can also provide a drivers license as

identification to be confirmed within the system of records as a DHS

Headquarters employee. If a component employee or contractor does

not have a DHS or component-issued credential at the point of entry,

the individual will be processed into the Nebraska Avenue Complex as

a regular visitor requiring a full name, date of birth, and social

security number.

 Organization's name;

 Citizenship;

 Country of origin, if applicable;

 Telephone number;

 Physical descriptions;

 Biometric information;

 Photograph;

 Visitor badge number, if applicable;

 Date and time of entry and departure;

 Drivers license and other form of identification

information;

 License plate number and state of issuance;

 Make and model of vehicle;

 Reports, files, records received from other federal

agencies;

 Records relating to management and operation of DHS

programs to safeguard classified and sensitive but unclassified

information, including but not limited to:

 [cir] Document control registries;

 [cir] Courier authorization requests;

 [cir] Non-disclosure agreements;

 [cir] Records of security violations;

 [cir] Records of document transmittals; and

 [cir] Requests for secure storage and communications equipment.

 Records relating to the management and operation of the

DHS security program, including but not limited to:

 [cir] Inquiries relating to suspected security violation(s);

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 [cir] Recommended remedial actions for possible security

violation(s);

 [cir] Reports of investigation regarding security violations;

 [cir] Information pertaining to incidents and offenses;

 [cir] Statements of individuals;

 [cir] Affidavits; and

 [cir] Correspondence.

 Records relating to the management and operation of the

facility and perimeter access control and visitor management system

including but not limited to:

 [cir] Facility and perimeter access registries;

 [cir] Courier cards;

 [cir] Access control card requests; and

 [cir] Specific information from standard DHS forms used to conduct

criminal history record checks; and

 [cir] Closed circuit television (CCTV) systems and recordings.

Authority for maintenance of the system:

 5 U.S.C. 301; the Homeland Security Act, codified in Title 6 of the

U.S. Code; 44 U.S.C. 3101; and Executive Order (EO) 9397; EO 12968; and

Federal Property Regulations, issued July 2002.

Purpose(s):

 The purpose of this system is to collect and maintain records

associated with DHS facility and perimeter access control, including

access to DHS information technology and access to classified

facilities, as well as visitor security and management.

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 DHS as a

routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

 A. To the Department of Justice (including United States Attorney

Offices) 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

written 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 who relies 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.

 H. To an appropriate federal, state, local, tribal, foreign, or

international agency or contract provider, if the information is

relevant and necessary to a requesting agency's decision concerning the

hiring or retention of an individual, or issuance of a security

clearance, license, contract, grant, or other benefit, or if the

information is relevant and necessary to a DHS decision concerning the

hiring or retention of an employee or contractor, the issuance of a

security clearance, the reporting of an investigation of an employee or

contractor, the letting of a contract, or the issuance of a license,

grant or other benefit and disclosure is appropriate to the proper

performance of the official duties of the person making the request.

 I. To a public or professional licensing organization when such

information indicates, either by itself or in combination with other

information, a violation or potential violation of professional

standards, or reflects on the moral, educational, or professional

qualifications of an individual who is licensed or who is seeking to

become licensed.

 J. To an appropriate federal, state, tribal, local, or foreign

government agency or organization, or international organization,

lawfully engaged in collecting law enforcement intelligence, whether

civil or criminal, or charged with investigating, prosecuting,

enforcing or implementing civil or criminal laws, related rules,

regulations or orders, to enable these entities to carry out their law

enforcement responsibilities, including the collection of law

enforcement intelligence, but only when the disclosure is appropriate

to the proper performance of the official duties of the person

receiving the disclosure, and;

 K. To an appropriate federal, state, local, tribal, or foreign

government agency, international organization, or private organization

where the President or the Secretary of Department of Homeland Security

has declared an event to be a National Special Security Event, if the

information is relevant and necessary to a requesting agency's decision

concerning the hiring or retention of an individual, or issuance of a

security clearance, license, contract, grant, or other benefit, or if

the information is relevant and necessary to a DHS decision concerning

the hiring or retention of an employee, the issuance of a security

clearance, the reporting of an investigation of an employee, the

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letting of a contract, or the issuance of a license, grant or other

benefit, but only when disclosure is appropriate to the proper

performance of the official duties of the person making the request.

 L. 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 servers, magnetic disc, tape, digital media, and CD-ROM.

Retrievability:

 Records may be retrieved by individual name, date of birth, and

social security number, or other personal identifier listed above in

``Category of Records in the System,'' if applicable.

 Note: For access to DHS Headquarters, all employees, including

component employees and contractors, are not required to provide

date of birth and social security number to enter DHS Headquarters

facilities. If they do not have their credential at the point of

entry, they are required to log their name and title, component,

data and time, ID of employee, and point of contact.

Safeguards:

 Records in this system are safeguarded in accordance with

applicable rules and policies, including all applicable DHS automated

systems security and access policies. Strict controls have been imposed

to minimize 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:

 Pursuant to GRS 18, Item 22a, personnel security clearance files

are destroyed upon notification of death or not later than five years

after separation or transfer of employee or no later than five years

after contract relationship expires, whichever is applicable.

 Pursuant to GRS 18, Item 6, requests and authorizations for

individuals to have access to classified files are destroyed two years

after authorization expires.

 Pursuant to GRS 11, Item 4a, identification credentials including

cards, badges, parking permits, photographs, agency permits to operate

motor vehicles, and property, dining room and visitors' passes, and

other identification credentials are destroyed three months after

return to issuing office.

 Pursuant to GRS 18, Item 17, registers or logs used to record names

of outside contractors, service personnel, visitors, employees admitted

to areas, and reports on automobiles and passengers for areas under

maximum security are destroyed five years after final entry or five

years after date of document, as appropriate.

 Other documents pursuant to GRS 18, Item 17b, are destroyed two

years after final entry or two years after date of document, as

appropriate.

 Where records are used as evidence in an investigation or in an

administrative, litigation, or other proceeding, the records will be

retained until final disposition of the investigation or proceeding.

System Manager and address:

 For Headquarters components of DHS: Chief, Physical Security

Division (202-447-5010), Office of Security, Department of Homeland

Security, Washington, DC 20528. For components of DHS, the System

Manager can be found at <http://www.dhs.gov/foia> under ``contacts.''

Notification procedure:

 The Secretary of Homeland Security has exempted this system from

the notification, access, and amendment procedures of the Privacy Act

because it is a law enforcement system. However, DHS will consider

individual requests to determine whether or not information may be

released. Thus, 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 Headquarters or

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

and Chief Freedom of Information Act 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 Chief Privacy

Officer and Chief Freedom of Information Act Officer, [http://www.dhs.gov](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;

and

 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) may 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:

 Records are obtained from individuals seeking employment or access

to facilities for which DHS and its components provide security and

from individuals involved in incidents and offenses that take place in

or around those facilities.

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Exemptions claimed for the system:

 The Secretary of Homeland Security has exempted this system from

the following provisions of the Privacy Act, subject to the limitation

set forth in (c)(3); (d); (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I); and

(f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(1), (k)(2), and

(k)(5) of the Privacy Act.

 Dated: January 25, 2010.

Mary Ellen Callahan,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2010-2206 Filed 2-2-10; 8:45 am]

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