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[Notices]

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DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS-2008-0110]

Privacy Act of 1974; United States Coast Guard--013 Marine

Information for Safety and Law Enforcement (MISLE) 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, and as part of the

Department of Homeland Security's ongoing effort to review and update

legacy system of record notices, the Department of Homeland Security is

giving notice that it proposes to add a system of records to its

inventory of record systems titled United States Coast Guard Marine

Information for Safety and Law Enforcement System of Records. This

system is a compilation of five legacy record systems: DOT/CG 679,

Marine Information for Safety and Law Enforcement System (April 22,

2002), DOT/CG 588, Marine Safety Information System (April 11, 2000),

DOT/CG 505, Recreational Boating Law Enforcement Case Files (April 11,

2000), DOT/CG 590, Vessel Identification System (April 11, 2000), DOT/

CG 591, Merchant Vessel Documentation System (April 11, 2000). This

record system will allow the Department of Homeland Security/United

States Coast Guard to collect and maintain records regarding marine,

safety and law enforcement information. Categories of individuals,

categories of records, and routine uses of these legacy system of

records notices have been consolidated and updated to better reflect

the United States Coast Guard's marine, safety and law enforcement

information. Additionally, DHS is issuing a Notice of Proposed

Rulemaking (NPRM) concurrent with this SORN elsewhere in the Federal

Register. The exemptions for the legacy system of records notices will

continue to be applicable until the final rule for this SORN has been

completed. This new system will be included in the Department of

Homeland Security's inventory of record systems.

DATES: Written comments must be submitted on or before July 27, 2009.

This new system will be effective July 27, 2009.

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

2008-0110 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 please contact:

David Roberts (202-475-3521), Privacy Officer, United States Coast

Guard. For privacy issues please contact: Mary Ellen Callahan (703-235-

0780), Chief Privacy Officer, Privacy Office, U.S. Department of

Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

 Pursuant to the savings clause in the Homeland Security Act of

2002, Public Law 107-296, Section 1512, 116 Stat. 2310 (Nov. 25, 2002),

the Department of Homeland Security (DHS)/United States Coast Guard

(USCG) have relied on preexisting Privacy Act systems of records

notices for the collection and maintenance of records regarding marine,

safety and law enforcement information.

 As part of its efforts to streamline and consolidate its record

systems, DHS is updating and reissuing a USCG system of records under

the Privacy Act (5 U.S.C. 552a) that deals with marine safety and law

enforcement information. This record system will allow DHS/USCG to

collect and maintain records regarding marine safety and law

enforcement information. This record system will allow the Department

of Homeland Security/United States Coast Guard to collect and maintain

records regarding marine information and law enforcement information.

 In accordance with the Privacy Act of 1974, and as part of the

Department of Homeland Security's ongoing effort to review and update

legacy system of record notices, the Department of Homeland Security is

giving notice that it proposes to add a system of records to its

inventory of record systems titled United States Coast Guard Marine

Information System and Law Enforcement System of Records. This

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system is a compilation of five legacy record systems: DOT/CG 679,

Marine Information for Safety and Law Enforcement System (67 FR 19612

April 22, 2002), DOT/CG 588, Marine Safety Information System (65 FR

19475 April 11, 2000), DOT/CG 505, Recreational Boating Law Enforcement

Case Files (65 FR 19475 April 11, 2000), DOT/CG 590, Vessel

Identification System (65 FR 19475 April 11, 2000), DOT/CG 591,

Merchant Vessel Documentation System (65 FR 19475 April 11, 2000). This

record system will allow the Department of Homeland Security/United

States Coast Guard to collect and maintain records regarding marine

safety, security, environmental protection and law enforcement

information. Categories of individuals, categories of records, and

routine uses of these legacy systems of records notices have been

consolidated and updated to better reflect the United States Coast

Guard's marine safety, security, environmental protection and law

enforcement record systems. Additionally, DHS is issuing a Notice of

Proposed Rulemaking (NPRM) concurrent with this SORN elsewhere in the

Federal Register. The exemptions for the legacy system of records

notices will continue to be applicable until the final rule for this

SORN has been completed. This new system will be included in the

Department of Homeland Security'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 personally identifiable

information. 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 legal 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

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 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 the description of the Marine Information

for Safety and Law Enforcement 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 and

to Congress.

System of Records

 DHS/USCG-013

System name:

 United States Coast Guard Marine Information for Safety and Law

Enforcement (MISLE).

Security classification:

 Sensitive, but Unclassified.

System location:

 Records are maintained at the United States Coast Guard (USCG)

Headquarters in Washington, DC, the USCG Operations Systems Center,

Kearneysville, WV, and other field locations.

Categories of individuals covered by the system:

 Individuals with established relationship(s) and/or associations

with vessels and marine transportation facilities and activities

regulated by the USCG. Specifically, vessel owners, operators,

charterers, masters, crew and/or agents, mortgagees, lien claimants,

vessel builders, facility owners, managers or employees, individuals

who own, operate, or represent marine transportation companies and

other individuals who come in contact with the USCG through its law

enforcement, marine safety, investigation, and environmental

activities.

Categories of records in the system:

 Categories of records in this system include:

 Name of individual, vessel, or facility;

 Home and work addresses;

 Phone numbers;

 Facility number, involved party identification number,

social security number, drivers license number, Immigration and

Naturalization Service number, military identification number, U.S.

Coast Guard license number, cellular number, foreign seaman's booklet

number, resident alien number, merchant mariners license or

documentation number, tax payer identification number;

 Casualty case number;

 Pollution incident case number;

 Date of incident;

 Civil penalty case number;

 Biometric information through photographs including

height, weight, eye color and hair color;

 Videos;

 Information on vessels and vessel characteristics

including: Vessel identification data, registration data, port visits,

inspection data, documentation data, port safety boarding, casualties,

pollution incidents, and civil violations if applicable and associated

information (data pertaining to people or organizations associated with

vessels);

 Information on marine transportation facilities including:

Name, identification number, location, commodities handled, equipment

certificates, approvals, inspection reports, pollution incidents,

casualties, violations of U.S. laws, and data pertaining to people or

organizations associated with those facilities;

 For owners, operators, agents, and crew members:

Statements submitted by USCG relating to boarding, investigations as a

result of a pollution and/or casualty incident, as well as any

violations of United States law, along with civil penalty actions taken

as a result of such violations. Such reports could contain names of

passengers on vessels, as well as witnesses to such violations.

 Narratives, reports and documents by USCG personnel

describing their activates on vessels and within facilities including

incident reports, violations of laws and international treaties,

Authority for maintenance of the system:

 5 U.S.C. 301; 14 U.S.C 89a, 93(a) and (c), 632; 16 U.S.C 1431; The

Federal Records Act, 33 U.S.C 1223; 33 U.S.C. 1228; 44 U.S.C. 3101; 46

U.S.C. 3717; 46 U.S.C. 12501; 46 U.S.C. 12119; 12502; 46 CFR par 67.1

et seq.; 49 CFR 1.45, 1.46.

Purpose(s):

 The purpose of this system is to establish a safety, security and

law enforcement performance history of vessels, facilities, people and

organizations engaged in marine transportation, including enforcement

action, that can be used to identify and address safety, security and

environmental risks and to establish vessel eligibility for

documentation as a U.S. flag vessel.

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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 or other Federal agency conducting

litigation or in proceedings before any court, adjudicative or

administrative body, when:

 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 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 Federal and State safety enforcement agencies, including, but

not limited to, the Maritime Administration, U.S. Department of

Transportation, and National Transportation Safety Board, to access

historical data that may assist in safety investigations and improve

transportation safety.

 I. To Federal, State, and local environmental agencies, including,

but not limited to, the U.S. Environmental Protection Agency, to access

historical data that may improve compliance with U.S. laws relating to

environmental protection.

 J. To the United States Department of Commerce and National

Technical Information Service (NTIS) to provide the characteristics of

vessels documented by the USCG and owner information. This information

is the same as that published in the annual publication ``Merchant

Vessels of the United States'' (also known as the ``blue book''). This

information is distributed electronically and is sold to the public.

 K. To Federal and State numbering and titling officials to access

information for improving the tracking, registering, and titling of

vessels.

 L. To the U.S. Department of Defense and related entities,

including, but not limited to, the Military Sealift Command and U.S.

Navy, to access data on safety information regarding vessels chartered

by those agencies.

 M. To other Federal and State agencies not listed above, including,

but not limited to, the U.S. Census Bureau, U.S. Department of Labor,

and U.S. Department of Commerce, to access historical data for

improving general statistical information.

 N. To the International Maritime Organization or intergovernmental

organizations, nongovernmental organizations, or foreign governments in

order to conduct joint investigations, operations, and inspections;

 O. To Federal, State, or local agencies with which the U.S. Coast

Guard Memorandum or Understanding, Memorandum of Agreement, or

Inspection and Certification Agreement pertaining to Marine Safety,

Maritime Security, Maritime Law Enforcement, and Marine Environmental

Protection activities.

 P. 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 in paper form

in file cabinets, in file rooms, in secure facilities behind a locked

door. Electronic records are stored on magnetic disc, tape, digital

media, and CD-ROM.

Retrievability:

 Records may be retrieved by name of individual, vessel, or

facility, facility number, involved party identification number, social

security number, drivers license number, Immigration and Naturalization

Service number, military identification number, U.S. Coast Guard

license number, cedula number, foreign seaman's booklet number,

resident alien number, merchant mariners license or documentation

number, tax payer identification number person or organization name,

casualty case number, pollution incident case number, date of incident,

civil penalty

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case number, USCG unit entering data or incident location.

Safeguards:

 Records in this system are safeguarded in accordance with

applicable rules and policies, including all applicable DHS automated

and paper 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 and paper files

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:

 Records are retained indefinitely because the records schedules are

currently pending. A copy of this system has been transferred to the

National Archives and Records Administration permanent records

collection. The following records schedule has been proposed:

 A. Notifications associated with a Case or Activity are considered

historically important and so are maintained permanently by the

National Archives. USCG will transfer the records to the National

Archives at least every five years after the close of a case or

activity. In some cases, information may transferred prior to the five

years.

 B. Notifications not associated with a Case or Activity are

maintained for five years and then destroyed or deleted. Information

collected by MISLE is stored for a minimum of five years after the

record is created, after which the information will be retained,

archived or destroyed in accordance with the MISLE Records Schedule

approved by the National Archives and Records Administration. All

system hardware and data is stored at OSC, Kearneysville, WV. Backups

are performed daily. Copies of backups are stored at an off-site

location.

System Manager and address:

 United States Coast Guard, Operations Systems Management Division,

CG-635, 2100 2nd Street, SW., Washington, DC 20593-0001; Boating Safety

Division, CG-5422; United States Coast Guard National Vessel

Documentation Center, 792 T J Jackson Drive, Falling Waters, WV 25419.

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 USCG, Commandant (CG-611), 2100 2nd

St., SW., Attn: FOIA Coordinator, Washington, DC 20593-0001. Specific

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

``contacts.''

 When seeking records about yourself from this system of records or

any other USCG 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 subscribed to

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

under penalty or perjury as a substitute for notarization. While no

specific form is required, you may obtain forms for this purpose form

the Director, Disclosure and FOIA, [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,

 Specify when you believe the records would have been

created,

 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 USCG 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:

 All information entered into the MISLE is gathered from USCG

boarding, USCG inspections, and USCG documentation offices, vessel

notice of arrival reports in the course of normal routine business.

This information is gathered from the owners, operators, crew members,

agents, passengers, witnesses, other government agencies and United

States Coast Guard personnel.

Exemptions claimed for the system:

 The Secretary of Homeland Security has exempted this system from

subsections (c)(3) and (4); (d); (e)(1), (2), (3), (5), and (8); and

(g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). In additional,

the Secretary of Homeland Security has exempted this system from

subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of the

Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

 Dated: June 18, 2009.

Mary Ellen Callahan,

Chief Privacy Officer,

 Department of Homeland Security.

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