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[Notices]

[Pages 13404-13407]

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[FR Doc No: 2015-05799]

[[Page 13404]]

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DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS-2015-0006]

Privacy Act of 1974; Department of Homeland Security Federal

Emergency Management Agency 004 Non-Disaster Grant Management

Information Files System of Records

AGENCY: Privacy Office, Department of Homeland Security.

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 a current Department

of Homeland Security system of records titled, ``Department of Homeland

Security/Federal Emergency Management Agency--004 Grant Management

Information Files System of Records'' and rename it, ``Department of

Homeland Security/Federal Emergency Management Agency--004 Non-Disaster

Grant Management Information Files System Records.'' This system of

records allows the Department of Homeland Security/Federal Emergency

Management Agency to collect and maintain records from points of

contact for state, local, tribal, territorial, and other entities

applying for Federal Emergency Management Agency grant programs that

are not disaster related. The Federal Emergency Management Agency

collects grant management information to determine eligibility for

Department of Homeland Security grant awards for non-disaster grants

and for the issuance of awarded funds. As a result of a biennial review

of this system, records have been updated within the (1) system name,

(2) authorities, (3) purpose, and (4) routine uses. Additionally, this

notice includes non-substantive changes to simplify the formatting and

text of the previously published notice. This updated system will be

included in the Department of Homeland Security's inventory of record

systems.

DATES: Submit comments on or before April 13, 2015. This updated system

will be effective April 13, 2015.

ADDRESSES: You may submit comments, identified by DHS-2015-0006 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: 202-343-4010.

Mail: Karen L. Neuman, 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 to [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:

Eric M. Leckey (202) 212-5100, Privacy Officer, Federal Emergency

Management Agency, Washington, DC 20472. For privacy issues please

contact: Karen L. Neuman (202) 343-1717, Chief Privacy Officer, Privacy

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

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the

Department of Homeland Security (DHS) Federal Emergency Management

Agency (FEMA) proposes to update, rename, and reissue a current DHS

system of records titled, ``DHS/FEMA--004 Grant Management Information

Files System of Records.'' As part of the Department's process for

reviewing and streamlining compliance documentation and to increase

transparency, DHS/FEMA is proposing to: 1) update the system of records

to include only non-disaster grant programs and FEMA assistance to

state, local, tribal, territorial, or other entities; and 2) rename the

system of records notice to DHS/FEMA--004 Non-Disaster Grant Management

Information Files System of Records.

The goal of FEMA's non-disaster related grant programs is to

provide funding to enhance the capacity of state, local, tribal, and

territorial emergency responders to prevent, respond to, and recover

from a weapon of mass destruction terrorism incident involving

chemical, biological, radiological, nuclear, explosive devices, and

cyber-attacks. FEMA's non-disaster grant programs currently provide

funds to all 50 states, the District of Columbia, the Commonwealth of

Puerto Rico, American Samoa, the Commonwealth of Northern Mariana

Islands, Guam, the U.S. Virgin Islands, certain types of non-profit

organizations, and some private entities. FEMA non-disaster related

grant programs are directed at a broad spectrum of state and local

emergency responders, including firefighters, emergency medical

services, emergency management agencies, law enforcement, and public

officials. The source of the information collected by FEMA generally

comes from state, local, tribal and territorial governments, port

authorities, transit authorities, non-profit organizations, and private

companies seeking grant funding. The nature of data collected by FEMA

includes basic public information about the agency or organization, the

organization's financial information, and the organization's

demonstrated need for the non-disaster grant funds.

Many of FEMA's non-disaster related grant programs implement

objectives addressed in the Robert T. Stafford Disaster Relief and

Emergency Assistance Act; a series of post 9/11 laws as outlined in the

Authorities Section; the post-Katrina Emergency Management Reform Act

(PKEMPRA) of 2006; and Homeland Security Presidential Directives

(HSPD).

As part of the biennial review process for DHS/FEMA systems or

records, DHS has updated and reissued this system of records as

described below:

First, DHS/FEMA changed the system name to reflect the focus of the

system of records on non-disaster-related grants. Second, DHS/FEMA

streamlined the legal authorities to remove the reference to the

National Flood Insurance Act and to add authorities under the

Implementing Recommendations of the 9/11 Commission Act of 2007. Third,

the purpose removes references to FEMA disaster related grants such as

Public Assistance because these grants are part of the DHS/FEMA-009

Hazard Mitigation, Disaster Public Assistance, and Disaster Loan

Programs system of records. Fourth, DHS/FEMA modified routine use (A)

to include former employees of DHS and to eliminate redundant language;

updated routine use (C) to specify that information may be shared with

the General Services Administration (GSA); and modified routine uses

(D) and (E) for clarification and non-substantive grammatical changes.

Lastly, DHS/FEMA modified the record source categories to specifically

reference the points of contact for the respective grant applicant

organizations as a source of the information described in this notice.

Consistent with DHS's information-sharing mission, information

stored in the DHS/FEMA-004 Non-Disaster Grant Management Information

Files System of Records may be shared with other DHS components that

have a need to know the information to carry out their national

security, law enforcement, immigration, intelligence, or other

[[Page 13405]]

homeland security functions. In addition, information may be shared

with appropriate federal, state, local, tribal, territorial, foreign,

or international government agencies consistent with the routine uses

set forth in this system of records notice.

This updated system will be included in DHS's inventory of record

systems.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a

statutory framework governing the means by which Federal Government

agencies collect, maintain, use, and disseminate 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 from 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 U.S. citizens and lawful

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

Privacy Act protections to all individuals when systems of records

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

visitors.

Below is the description of the DHS/FEMA-004 Non-Disaster Grant

Management Information Files System of Records.

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

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

Congress.

System of Records

Department of Homeland Security (DHS)/Federal Emergency Management

Agency (FEMA)-004.

System name:

DHS/FEMA-004 Non-Disaster Grant Management Information Files.

Security classification:

Unclassified.

System location:

DHS/FEMA maintains records at FEMA Headquarters in Washington, DC,

and field offices. Additionally, DHS/FEMA maintains records in FEMA

information technology systems such as the FEMA Non-Disaster (ND)

Grants and Assistance to Firefighters Grants (AFG) systems.

Categories of individuals covered by the system:

Categories of individuals covered by this system include the

respective points of contact (POC) for grant applications and awardees

of grant funds. Awardees of grant funds include state, local, tribal,

and territorial governments, port authorities, transit authorities,

non-profit organizations, and private companies (in rare instances).

Categories of records in the system:

Categories of records in this system include:

Name of Organization's Designated POC;

POC Title;

Grant applicant organization POC's office mailing address;

Grant applicant organization POC's office phone number;

Grant applicant organization POC's office cellphone

number;

Grant applicant organization POC's office fax number;

Grant applicant organization POC's work email address;

Organization Name;

Organization's Federal Employer Identification Number

(EIN);

Organization's Dun & Bradstreet (B&D) Data Universal

Numbering System (DUNS) Number (a unique nine digit numeric identifier

assigned to each organization's location);

Organization's Bank Routing Number; and

Organization's Bank Account Number.

Authority for maintenance of the system:

Section 614 of the Robert T. Stafford Disaster Relief and Emergency

Assistance Act (42 U.S.C. 5196c), as amended by Section 202, Title II

of the Implementing Recommendations of the 9/11 Commission Act of 2007

(Pub. L. 110-053); Section 1809 of the Homeland Security Act of 2002 (6

U.S.C. 571 et seq.), as amended by Section 301(a) Title III of the

Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub.

L. 110-053); Section 2003(a) of the Homeland Security Act of 2002 (6

U.S.C. 101 et seq.), as amended by Section 101, Title I of the

Implementing Recommendations of the 9/11 Commission Act of 2007, (Pub.

L. 110-053); Section 2004(a) of the Homeland Security Act of 2002 (6

U.S.C. 101 et seq.), as amended by Section 101, Title I of the

Implementing Recommendations of the 9/11 Commission Act of 2007, (Pub.

L. 110-053); Section 2004 of the Homeland Security Act of 2002 (6

U.S.C. 605 et seq.), as amended by Section 101, Title I of the

Implementing Recommendations of the 9/11 Commission Act of 2007, (Pub.

L. No. 110-53); Section 2005 of the Homeland Security Act of 2002 (6

U.S.C. 606 et seq.), as amended by Section 101, Title I of the

Implementing Recommendations of the 9/11 Commission Act of 2007, (Pub.

L. No. 110-53); the Post-Katrina Emergency Management Reform Act of

2006 (6 U.S.C. 723); Title III of Division D of the Consolidated

Security, Disaster Assistance, and Continuing Appropriations Act, 2009

(Pub. L. 110-329); Title III of Division E of the Consolidated

Appropriations Act, 2008 (Pub. L. 110-161); Section 1406, Title XIV of

the Implementing Recommendations of the 9/11 Commission Act of 2007

(Pub. L. 110-053); Section 1513, Title XV of the Implementing

Recommendations of the 9/11 Commission Act of 2007 (Pub. L. 110-053);

Section 1532(a), Title XV of the Implementing Recommendations of the 9/

11 Commission Act of 2007 (Pub. L. 110-053); 46 U.S.C. 70107; the

Federal Financial Assistance Management Improvement Act of 1999 (Pub.

L. 160-107); and National Historic Preservation Act of 1966, as

amended, Pub. L. 89-665, Sec. 102, 16 U.S.C. 470.

Purpose(s):

The purpose of this system is to assist in determining eligibility

of awards for non-disaster related grants and for the issuance of

awarded funds and allow DHS to contact individuals to ensure

completeness and accuracy of grants and applications.

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 DHS as a

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

A. To the Department of Justice (DOJ), including Offices of the

United States 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. DHS or any component thereof;

2. Any employee or former employee of DHS in his/her official

capacity;

3. Any employee or former employee of DHS in his/her individual

capacity when DOJ or DHS has agreed to represent the employee; or

4. The United States or any agency thereof.

[[Page 13406]]

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 (NARA) or

General Services Administration pursuant to records management

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

2906.

D. To an agency or organization 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. DHS has determined that as a result of the suspected or

confirmed compromise, there is a risk of identity theft or fraud, harm

to economic or property interests, or harm to an individual, or harm to

the security or integrity of this system or other systems or programs

(whether maintained by DHS or another agency or entity) 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

and 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, when 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 individual's employer or affiliated organization to the

extent necessary to verify employment or membership status.

I. 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:

DHS/FEMA stores records in this system electronically or on paper

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

records are stored on magnetic disc, tape, and digital media.

Retrievability:

DHS/FEMA retrieves records may by the contact person covered by

this system or the name of organization.

Safeguards:

DHS/FEMA safeguards records in this system in accordance with

applicable rules and policies, including all applicable DHS automated

systems security and access policies. DHS/FEMA imposes strict controls

to minimize the risk of compromising the information that is being

stored. DHS/FEMA limits access to the computer system containing the

records in this system 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:

DHS/FEMA retains grant application information for audit, oversight

operations, and appeal purposes.

In accordance with Government Records Schedule (GRS) 3, Item 14,

FEMA destroys grant administrative records and hard copies of

unsuccessful grant applications files after two years. In accordance

with GRS 3, Item 13, FEMA stores electronically received and processed

copies of unsuccessful grant application files for 3 years from the

date of denial and then deleted.

In accordance with National Archives and Records Administration

(NARA) Authority N1-311-95-001, Item 1, FEMA maintains grant project

records for three years after the end of the fiscal year that the grant

or agreement is finalized or when no longer needed, whichever is

sooner.

In accordance with NARA Authority N1-311-95-001, Item 3, FEMA

retires grant final reports to the Federal Records Center (FRC) three

years after cutoff and transfers them to NARA 20 years after cutoff. In

accordance with NARA Authority N1-311-95-001, Item 2; N1-311-01-008,

Item 1; and N1-311-04-001, Item 1, FEMA stores all other grant records

for six years and three months from the date of closeout (when closeout

is the date FEMA closes the grant in its financial system) and final

audit and appeals are resolved and then deleted.

The customer service assessment forms that have been filled out and

returned by disaster assistance applicants are temporary records that

are destroyed upon transmission of the final report, per NARA Authority

N1-311-00-001, Item 1.

The statistical and analytical reports resulting from these

assessments are temporary records that are retired three years after

the final report cutoff and destroyed 20 years after the report cutoff

per NARA Authority N1-311-00-001, Item 2. The assessment results

database are temporary records that are destroyed when no longer needed

for analysis purposes, per NARA Authority N1-311-00-001, Item 3.

System Manager and address:

Deputy Assistant Administrator, Grant Program Directorate, FEMA,

500 C Street SW., Washington, DC 20472.

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 FEMA 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 Officer,

Department of Homeland Security, 245 Murray Drive SW., Building 410,

STOP-0655, Washington, DC 20528.

When seeking records about yourself from this system of records or

any other

[[Page 13407]]

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/foia> or 1-866-431-0486. In addition you should:

Explain 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; and

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) 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:

DHS/FEMA obtains records from grantees, applicants for award, grant

applicants' points of contact, and grant program monitors.

Exemptions claimed for the system:

None.

Dated: February 20, 2015.

Karen L. Neuman,

Chief Privacy Officer, Department of Homeland Security.

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