

## System of Records Notice Requirement for the National Use-of-Force Data Collection

The National Use-of-Force Data Collection (NUOFDC) is being established to collect and report any use of force by a law enforcement officer that results in the death or serious bodily injury of a person, as well as when a law enforcement officer discharges a firearm at or in the direction of a person. The FBI will compile and publish statistical data on the use of force. Publication of the use of force data will promote transparency between law enforcement and the communities they serve. The purpose of the NUOFDC is to collect statistical information regarding law enforcement use of force incidents. The NUOFDC system does not collect any PII on living individuals.<sup>1</sup>

The Privacy Act of 1974, 5 U.S.C. § 552a, requires federal agencies to publish a notice in the federal register for the creation of any new system of records. The Privacy Act defines a “system of records” as “a group of records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.” 5 U.S.C. § 552a(a)(5). The Privacy Act defines “record” as “any item, collection, or grouping of information about an individual that is maintained by an agency . . . and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.” 5 U.S.C. § 552a(a)(4).

The NUOFDC system does not create a new system of records under the Privacy Act because the incident information does not contain names or other identifying information on living individuals. Furthermore, incident information is not retrieved from the NUOFDC by the name or identifying number, symbol, or particular assigned to a specific living individual.

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<sup>1</sup> The NUOFDC information technology system does contain audit logs regarding users accessing the system. The personally identifiable information in the audit logs is covered by an existing System of Records notice: *DOJ Computer Systems Activity and Access Records*, **DOJ-002**, 64 Fed. Reg. 73585 (Dec. 30, 1999), as amended at 66 Fed. Reg. 8425 (Jan. 31, 2001) and 66 Fed. Reg. 3410 (Jan. 25, 2001).