

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)(1), (2), (3), and (5).

Dated: October 14, 2008.

**Hugo Teufel III,**

*Chief Privacy Officer, Department of Homeland Security.*

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**DEPARTMENT OF HOMELAND SECURITY**

**Office of the Secretary**

[Docket No. DHS-2008-0083]

**Privacy Act of 1974; Department of Homeland Security Contractors and Consultants System of Records**

**AGENCY:** Privacy Office; DHS.

**ACTION:** Notice of Privacy Act system of records.

**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 consolidate one legacy system of records notice, DOT/CG 536 Contract and Real Property File System as a Department of Homeland Security-wide system of records notice titled Department of Homeland Security Contractors and Consultants. The Department of Homeland Security also proposes to partially consolidate one legacy record system, Treasury/USSS.001 Administrative Information System into this Department-wide system of records. This system will allow the Department of Homeland Security to collect and maintain records on the Department's contractors and consultants. Categories of individuals, categories of records, and the routine uses of this legacy system have been reviewed and updated to better reflect the Department's contractor and consultant record system. This reclassified system, titled Department of Homeland Security Contractors and Consultants, will be included in the Department of Homeland Security's inventory of record systems.

**DATES:** Submit comments on or before November 24, 2008. This new system will be effective November 24, 2008.

**ADDRESSES:** You may submit comments, identified by docket number DHS-2008-0083 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 personal 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**

Pursuant to the savings clause in the Homeland Security Act of 2002, Public Law 107-296, Section 1512, 116 Stat. 2310 (November 25, 2002), the Department of Homeland Security (DHS) and its components and offices have relied on preexisting Privacy Act systems of records notices for the collection and maintenance of records that concern DHS contractors and consultants.

As part of its efforts to streamline and consolidate its records systems, DHS is establishing an agency-wide system of records under the Privacy Act (5 U.S.C. 552a) for these contractor and consultant records. This will ensure that all components of DHS follow the same privacy rules for collecting and maintaining contractor and consultant records. The collection and maintenance of this information will assist DHS in meeting its obligation to collect and maintain records on DHS contractors and consultants.

In accordance with the Privacy Act of 1974 and as part of the DHS's ongoing effort to review and update legacy system of record notices, DHS is giving notice that it proposes to consolidate one legacy system of records notice, DOT/CG 536 Contract and Real Property File System (65 FR 19476 April 11, 2000), as a DHS-wide system of records notice titled Department of Homeland Security Contractors and Consultants. DHS also proposes to partially consolidate one legacy record system: Treasury/USSS.001 Administrative Information System (66 FR 45362

August 28, 2001) into this Department-wide system of records. This system will allow DHS to collect and maintain records on the Department's contractors and consultants. Categories of individuals, categories of records, and the routine uses of this legacy system have been reviewed and updated to better reflect the DHS's contractor and consultant record system. This reclassified system, titled Department of Homeland Security Contractors and Consultants, 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 of their records, and to assist individuals to more easily find such files within the agency. Below is the description of the DHS Contractors and Consultants 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-021.

**SYSTEM NAME:**

Department of Homeland Security Contractors and Consultants.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Records are maintained at several Headquarters locations and in component offices of DHS, in both Washington, DC, and field locations.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Categories of individuals covered by this system include any individual who serves as a contractor or consultant to DHS.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Categories of records in this system include:

- Individual's name;
- Social security number;
- Home address;
- Telephone numbers (work, home, mobile);
- E-mail addresses;
- Contract name and number;
- Employer;
- Work address;
- Job title;
- Labor category;
- Relevant work experience;
- DHS-issued property in the possession of the contractor/consultant for the purpose of fulfilling contractual requirements;
- Vendor lists;
- Correspondence between the contractor and DHS;
- Bidders lists;
- Permits;
- Licenses;
- Easement;
- Deliverables;
- Proposals;
- White papers; and
- Key personnel resumes.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; The Federal Records Act, The Homeland Security Act of 2002, Public Law 107-296; Executive Order 9373; Reorganization Plan No. 2 of 1970 (31 U.S.C. 1111); Executive Order 11541; the Office of Federal Procurement Policy Act (41 U.S.C. 405); and the Federal Activities Inventory Reform (FAIR) Act of 1998 (31 U.S.C. 501 note).

**PURPOSE(S):**

The purpose of this system is to collect and maintain records on DHS contractors and consultants.

**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 the Department of Justice 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 entities when relevant and necessary to disclose information on DHS or its components purchases and contracts.

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:**

Records in this system are stored electronically or as paper records in secure facilities in a locked drawer and/or behind a secured locked door. The electronic records are stored on magnetic disc, tape, digital media, and CD-ROM.

**RETRIEVABILITY:**

Records may be retrieved by name, and/or contract name and number.

**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 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:**

Records are retained for six years and three months after the final payment to a contractor/consultant in accordance with National Archives and Records Administration-approved General Records Schedule 3, Item 3—General Procurement Files.

**SYSTEM MANAGER AND ADDRESS:**

For Headquarters and components of DHS, the System Manager is the Director of Departmental Disclosure, 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:**

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, 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) 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:**

Individuals, contractors, consultants, bidders, financial institutions, insurance companies, community associations, and other agencies.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

Dated: October 15, 2008.

**Hugo Teufel III,**

Chief Privacy Officer, Department of Homeland Security.

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**DEPARTMENT OF HOMELAND SECURITY****Office of the Secretary**

[Docket No. DHS-2008-0009]

**Privacy Act of 1974; Department of Homeland Security Asset Management Records System of Records**

**AGENCY:** Privacy Office; DHS.

**ACTION:** Notice of Privacy Act system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974, the Department of Homeland Security is giving notice that it proposes to consolidate four legacy record systems: Justice/INS-004 The Asset Management Information System

(AMIS), FEMA/ADM-2 Office Services File System, Treasury/CS.044 Certificates of Clearance, and Treasury/CS.201 Property File Non-Expendable into one Department-wide system of records. The Department of Homeland Security also proposes to partially consolidate one legacy record system: Treasury/USSS.001 Administrative Information System into this Department-wide system of records. This system will allow the Department of Homeland Security to collect and maintain records of all Department-owned or controlled property that has been issued to current and former DHS employees and contractors. Categories of individuals, categories of records, and the routine uses of these legacy system of records notices have been consolidated and updated to better reflect the Department's asset management record systems. This consolidated system, titled Asset Management, will be included in the Department of Homeland Security's inventory of record systems.

**DATES:** Submit comments on or before November 24, 2008.

**ADDRESSES:** You may submit comments, identified by docket number DHS-2008-0009 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.

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