

BILLING CODE: 5001-06

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: DoD-2021-DA-XXXX]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD

ACTION: Notice of modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Defense (DoD) is modifying and reissuing an Army system of records titled, “General Permit Files, A1145b CE”.

This system of records was originally established by the Army to collect and maintain records about permit applications, public comments, and jurisdictional determination requests in carrying out the Department of the Army Regulatory Program. This system of records notice (SORN) is being updated with current SORN procedures and practices and to update the system name.

DATES: This system of records is effective upon publication; however, comments on the Routine Uses will be accepted on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. The Routine Uses are effective at the close of the comment period.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* Federal Rulemaking Portal: <https://www.regulations.gov>. Follow the instructions for submitting comments.

* Mail: DoD cannot receive written comments at this time due to the COVID-19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name and docket number for this Federal Register document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <https://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Luton, Department of the Army, Records Management Directorate, Attention: Army Privacy and Civil Liberties Office, 9301 Chapek Road (Building 1458), Fort Belvoir, VA 22060-5605, or by calling (571) 515-0213.

SUPPLEMENTARY INFORMATION:

I. Background

The General Permit Files, A1145b CE system of records is used to serve as the basis for decision by the Chief of Engineers or a designated representative to enforce the regulatory program; and as a basis for estimating recreational uses and expenditures. Subject to public comment, the DoD proposes to update this SORN to add the standard DoD routine uses (routine uses A through I) and to allow for additional disclosures outside DoD related to the purpose of this system of records. Additionally, the following sections of this SORN are being modified as follows: system name, location, category of individuals, category of records, authority, purpose, routine uses, storage, retrievability, safeguards, retention and disposal, system manger and address, notification and record access procedures, procedures, and record source categories to be up to date with current SORN procedures and practices. The name change from General Permit Files to Regulatory Program Standard Permit Files is to align with the Regulatory Program.

DoD SORNs have been published in the Federal Register and are available from the address in FOR FURTHER INFORMATION CONTACT or at the Defense Privacy, Civil Liberties, and Transparency Division website at <https://dpcltd.defense.gov>.

II. Privacy Act

Under the Privacy Act, a “system of records” is a group of 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 as a U.S. citizen or lawful permanent resident.

In accordance with 5 U.S.C. 552a(r) and OMB Circular No. A-108, DPCLTD has provided a report of this system of records to the Office of Management and Budget (OMB) and to Congress.

Dated:

Aaron T. Siegel,
Alternate OSD Federal Register
Liaison Officer, Department of Defense.

SYSTEM NAME AND NUMBER: Regulatory Program Standard Permit Files, A1145b CE.

SECURITY CLASSIFICATION: Unclassified

SYSTEM LOCATION: Chief of Engineers, Headquarters, Department of the Army, 441 G Street, NW, Washington, DC 20314-1000. Attention CECW-CO-R.

Army Corps of Engineers Division and District Offices official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

SYSTEM MANAGER: The system manager is: Program Manager, Regulatory Community of Practice, 441 G. Street, NW, Washington DC 20314-1000, (202) 761-5903

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 10 of the River and Harbor Act, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972

PURPOSE(S) OF THE SYSTEM:

- A. To receive and evaluate permit applications, public comments, and jurisdictional determination requests according to the Regulatory authorities listed above for the Department of the Army Regulatory Program.
- B. To collect and maintain compliance and enforcement information to enforce the Department of the Army Regulatory Program rules and requirements.
- C. To track coordination and consultations required for environmental compliance regulations (such as Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, Tribal Trust responsibilities, Essential Fish Habitat to name a few.
- D. To track other associated workload efforts such as Environmental Impact Statement reviews, internal and external coordination, FOIA requests, public meetings and hearings, and congressional inquiries.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals requesting jurisdictional determinations, individuals applying for permits (applicants), individuals that have obtained permits (permittees), and persons having performed unauthorized work in waters of the United States. Property owners adjacent to the permit applicant. Members of the public commenting on or responding to those matters

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, home addresses, personal and business phone number(s), personal and business email addresses, project location, project name, project description, Department of the Army file number and parcel identification information of permit applicants

RECORD SOURCE CATEGORIES: Records and information stored in this system of records are obtained from: the permit applicant, persons requesting jurisdictional determinations, protected sources reporting unauthorized work and persons having performed unauthorized work; federal, state, and local governments; agencies; non-governmental organizations; and the public.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING

CATEGORIES OF USERS AND PURPOSES OF SUCH USES: In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, all or a portion of the records or information contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government when necessary to accomplish an agency function related to this system of records.

B. To the appropriate Federal, State, local, territorial, tribal, foreign, or international law enforcement authority or other appropriate entity where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether criminal, civil, or regulatory in nature.

C. To any component of the Department of Justice for the purpose of representing the DoD, or its components, officers, employees, or members in pending or potential litigation to which the record is pertinent.

D. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body or official, when the DoD or other Agency representing the DoD determines that the records are relevant and necessary to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

E. To the National Archives and Records Administration for the purpose of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

F. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

G. To appropriate agencies, entities, and persons when (1) the DoD suspects or confirms a breach of the system of records; (2) the DoD determines as a result of the suspected or confirmed breach there is a risk of harm to individuals, the DoD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with

the DoD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

H. To another Federal agency or Federal entity, when the DoD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

I. To such recipients and under such circumstances and procedures as are mandated by Federal statute or treaty.

J. To the public, Federal Resource Agencies and State and local resource agencies to solicit views regarding the individual's application and to review permit application comments submitted by members of the public.

K. To the permit applicant to respond to the comments of the members of the public who comment on the permit application.

L. To the public in connection with the permits issued and approved jurisdictional determination decisions in a public facing website for the Regulatory and Section 408 programs.

M. To the U.S. Environmental Protection Agency mandated to oversee implementation of the Clean Water Act. Information is used to assist them in tracking their program responsibilities such as permit and jurisdictional determination information. Data layers such a project and aquatic resource locations are also shared via geospatial web services to other USACE business lines.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS: Records may be stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic disc, tape, or digital media; in agency-owned cloud environments; or in vendor Cloud Service Offerings certified under the Federal Risk and Authorization Management Program (FedRAMP).

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS: Records may be retrieved by individual's name, home addresses, project location address, phone number(s), email address, Department of Army file number and parcel identification.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS: Standard permits at HQ USACE are kept until no longer needed for conducting business but not longer than 6 years, then destroyed. Standard permits at District offices: (1) Issued permits: kept until revocation, expiration, or removal of the object to which the permit pertains and then until no longer needed for conducting business, then retire to Records Holding Area/Army Electronic Archives (RHA/AEA). The RHA/AEA will destroy the records 7 years after the event. (2) Denied permits: Destroyed 3 years after denial. (3) Issued permits, in paper or microform, retired to Federal Archives and Records Centers prior to 1 January 1981: Retained until 2055 at which time they will be reviewed for possible destruction. Official record copies used for litigation will be destroyed with those files.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS: The DoD safeguards records in this system of records according to applicable rules, policies, and procedures, including all applicable DoD automated systems security and access policies. DoD policies require the use of controls to minimize the risk of compromise of personally identifiable information (PII) in paper and electronic form and to enforce access by those with a need to

know and with appropriate clearances. Additionally, the DoD established security audit and accountability policies and procedures which support the safeguarding of PII and detection of potential PII incidents. The DoD routinely employs safeguards such as the following to information systems and paper recordkeeping systems: Multifactor log-in authentication including Common Access Card (CAC) authentication and password; Secret Internet Protocol Router (SIPR) token as required; physical and technological access controls governing access to data; network encryption to protect data transmitted over the network; disk encryption securing disks storing data; key management services to safeguard encryption keys; masking of sensitive data as practicable; mandatory information assurance and privacy training for individuals who will have access; identification, marking, and safeguarding of PII; physical access safeguards including multifactor identification physical access controls, detection and electronic alert systems for access to servers and other network infrastructure; and electronic intrusion detection systems in DoD facilities.

RECORD ACCESS PROCEDURES: Individuals seeking access to their records should address written inquiries to the Chief of Engineers, Headquarters, Department of the Army, ATTN: CECW-CO-R, 441 G Street, NW, Washington, DC 20314-1000 or the local Regulatory district that houses and maintains the files. A list of all offices with contact information is provided on Regulatory websites. Signed written requests should contain the name and number of this system of records notice along with full name, current address and telephone number, response number if known, and specifics that will assist in locating the record. In addition, the requester must provide either a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the appropriate format:

If executed outside the United States: “I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on (date). (Signature).”

If executed within the United States, its territories, possessions, or commonwealths: “I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on (date). (Signature).”

CONTESTING RECORD PROCEDURES: The DoD rules for accessing records, contesting contents, and appealing initial Component determinations are contained in 32 CFR part 310, or may be obtained from the system manager.

NOTIFICATION PROCEDURES: Individuals seeking to determine whether information about themselves is contained in this system of records should follow the instructions for Record Access Procedures above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM: None.

HISTORY: General Permit Files (February 22, 1993, 58 FR)