

law of another nation (whether civil or criminal), to the appropriate foreign government agency charged with enforcing or implementing such laws and to international organizations engaged in the collection and dissemination of intelligence concerning criminal activity.

E. To other Federal agencies for the purpose of conducting national intelligence and security investigations.

F. To a Member of Congress or staff acting on 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 the General Services Administration and the National Archives and Records Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

H. To any Federal agency, where appropriate, to enable such agency to make determinations regarding the payment of Federal benefits to the record subject in accordance with that agency's statutory responsibilities.

I. To an actual or potential party or his or her attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, or informal discovery proceedings.

J. In a proceeding before a court or adjudicative body before which INS or the Department of Justice (DOJ) is authorized to appear when any of the following is a party to the litigation or has an interest in the litigation and such records are determined by INS or DOJ to be arguably relevant to the litigation: (1) DOJ, or any DOJ component, or subdivision thereof; (2) any DOJ employee in his or her official capacity; (3) any DOJ employee in his or her individual capacity when the DOJ has agreed to represent the employee or has authorized a private attorney to represent him or her; and (4) the United States, where INS or the DOJ determines that the litigation is likely to affect it or any of its subdivisions.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

These records are stored in a data base on magnetic disks.

**RETRIEVABILITY:**

These records are retrieved by name and/or nationality, A-file number, or alien's Bureau of Prisons number, when applicable.

**SAFEGUARDS:**

Most INS offices are located in buildings under security guard, and access to premises is by official identification. Access to terminals is limited to INS employees with user identification numbers. Access to records in this system is by restricted password and is further protected by secondary passwords.

**RETENTION AND DISPOSAL:**

The following INS proposal for retention and disposal is pending approval by NARA. Cases which have been closed for a year are archived and stored in the database for 75 years, then deleted. Daily population reports are retained for six months and then destroyed. Work Measurement Reports are destroyed three years after creation. Copies of forms used within this system of records are placed in the Alien File. Electronic copies of records (copies from electronic mail and word processing systems) which are produced and made part of the file can be deleted within 180 days after the recordkeeping copy has been produced.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Commissioner, Detention and Deportation, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536.

**NOTIFICATION PROCEDURE:**

Address inquiries to the system manager identified above.

**RECORDS ACCESS PROCEDURE:**

Make all requests for access in writing to the Freedom of Information Act/ Privacy Act (FOIA/PA) Officer at the nearest INS office, or the INS office maintaining the desired records (if known) by using the list of Principal Offices of the Immigration and Naturalization Service Appendix, JUSTICE/INS-999, published in the **Federal Register**. Clearly mark the envelope and letter "Privacy Act Request." Provide the A-file number and/or the full name, nationality, and date of birth, with a notarized signature of the individual who is the subject of the record, and a return address.

**CONTESTING RECORDS PROCEDURES:**

Direct all requests to contest or amend information in the record to the FOIA/PA Officer at one of the addresses identified above. State clearly and concisely the information being contested, the reason for contesting it, and the proposed amendment thereof. Clearly mark the envelope "Privacy Act Request." The record must be identified in the same manner as described for making a request for access.

**RECORD SOURCE CATEGORIES:**

Basic information is obtained from "The Immigration and Naturalization Service (INS) Alien File (A-File) and Central Index System (CIS), JUSTICE/INS-001A." Information may also come from the alien, the alien's attorney/representative, INS official, other Federal, State, local, and foreign agencies and the courts.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

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**DEPARTMENT OF JUSTICE**

**[AAG/A Order No. 201-2000]**

**Privacy Act of 1974; System of Records**

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), notice is given that the Federal Bureau of Prisons (Bureau) proposes to establish a new system of records entitled, "Employee Assistance Program ("EAP") Record System" (JUSTICE/BOP-014). This system, which will become effective September 29, 2000, is being established to assist staff in providing crisis intervention, assessment, counseling, and referrals to outside treatment providers for Bureau employees who are experiencing personal or work-related problems.

Title 5 U.S.C. 552a(e)(4) and (11) provide that the public be provided a 30-day period in which to comment on the routine uses of a new system. The Office of Management and Budget (OMB), which has oversight responsibilities under the Privacy Act, requires a 40-day period in which to review the system.

Therefore, please submit any comments by September 29, 2000. The public, OMB, and the Congress are invited to send written comments to Mary Cahill, Management and Planning Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (1400 National Place Building).

A description of the system of records is provided below. In addition, the Department of Justice has provided a report to OMB and the Congress in accordance with 5 U.S.C. 552a(r).

Dated: July 20, 2000.

**Stephen R. Colgate,**

*Assistant Attorney General for  
Administration.*

**JUSTICE/BOP-014**

**SYSTEM NAME:**

Employee Assistance Program Record System.

**SYSTEM LOCATION:**

Records may be retained at the Central Office, Regional Offices, and at any of the Bureau of Prisons (Bureau) facilities. A list of these system locations may be found at 28 CFR part 503 and on the Internet at <http://www.bop.gov>.

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

Current and former employees of the Bureau of Prisons who have sought counseling or been referred for treatment or referral through the Employee Assistance Program (EAP). To the limited degree that treatment and referral may be provided to family members of Bureau employees, these individuals are also covered by the system. The remainder of this notice will refer to all persons covered by the system as "EAP client(s)."

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The system contains records of EAP clients who have sought or been referred to the EAP for treatment and/or referral. These records may include the following:

(1) Identification data, including name, Social Security number, driver's license number, Bureau employee number, EAP system-generated number, job title and/or series, age and/or date of birth, sex, financial history, medical/mental health insurance information, home and/or work addresses, e-mail addresses and telephone numbers;

(2) Information from other Bureau staff and/or the employee's supervisor, on work place or performance problems, address and telephone numbers for the supervisor and/or other Bureau staff, and referral memoranda and/or e-mail correspondence from the employee's supervisor and/or other staff;

(3) Information and correspondence from outside sources, e.g. initial contacts from interested persons who are not Bureau staff;

(4) Information generated by EAP staff concerning the EAP client, including background information, assessment, prognosis and counseling details;

(5) Information concerning referrals to community-based treatment programs or individuals, including the initial referral, addresses, telephone numbers,

and credentials of treatment facilities or individuals providing treatment, and records of the employee's attendance, billing accounts, and progress;

(6) Pertinent employee records including leave and/or work Time and Attendance (T and A) records, written consent forms, disciplinary actions and/or abeyance agreements, drug testing records and information on confirmed unjustified positive drug tests.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

42 U.S.C. 290dd *et seq.*; 42 CFR part 2; Executive Order 12564; 5 U.S.C. 3301, 7361, 7362, 7901 and 7904; 44 U.S.C. 3101 and Pub. L. 100-71, 101 Stat. 391, Sec. 503 (July 11, 1987).

**PURPOSE OF THE SYSTEM:**

These records assist EAP staff in the execution of its assessment, counseling and referral function. They document the nature and effects of EAP client problems and counseling by EAP staff, referral to, and participation in, outside treatment and counseling programs, and the EAP client's progress. These records may also be used to track compliance with abeyance agreements made to mitigate employee discipline actions.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Relevant data from this system will be disclosed as follows:

(a) To appropriate State or local authorities to report incidents of suspected child, elder, or domestic abuse and/or neglect, as required under State law;

(b) To any person or entity to the extent necessary to meet a bona fide medical emergency;

(c) To any person or entity to the extent necessary to prevent immediate loss of life or serious bodily injury;

(d) To referral community health care providers authorized to provide services to EAP clients, to the extent that it is appropriate, relevant, and necessary to enable the provider to perform such services as evaluation, counseling, treatment, and/or rehabilitation; and

(e) To any person who is responsible for the care of an EAP client when the EAP client to whom the records pertain is mentally incompetent or under legal disability.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Documentary records are maintained in manual file folders and/or index cards and stored in locked GSA security-approved containers. Computer

records are stored in electronic media via a configuration of personal computer, client/server, and mainframe systems architecture, using hard drives, floppy diskettes, CDs, magnetic tape, and/or optical disks.

**RETRIEVABILITY:**

Records are indexed and retrieved only by a personal code number generated by the system.

**SAFEGUARDS:**

Electronic information is safeguarded in accordance with Bureau of Prisons rules and policy governing automated information systems security and access. These safeguards include the maintenance of records and technical equipment in restricted areas, and the required use of proper passwords and user identification codes to access the system. Documentary records are kept in locked GSA security-approved containers in restricted access buildings. Only the EAP Administrator or designated Bureau staff will access or disclose the records.

**RETENTION AND DISPOSAL:**

Records are retained for three years after the EAP client ceases contact with the EAP counselor (in accordance with General Records Schedule No. 1, Item No. 26) unless a longer retention period is necessary because of pending administrative or judicial proceedings. In such cases, the records are retained for six months after the case is closed. Computerized records are destroyed by shredding, degaussing, etc., and documentary records are destroyed by shredding. All destruction of records must be performed by an EAP staff member.

**SYSTEM MANAGER(S) AND ADDRESS:**

National Employee Assistance Program Coordinator, Federal Bureau of Prisons, 320 First Street NW., Washington, DC 20534.

**NOTIFICATION PROCEDURE:**

Inquiries concerning this system should be directed to the System Manager listed above.

**RECORD ACCESS PROCEDURES:**

All requests for records may be made in writing to the Director, Federal Bureau of Prisons, 320 First Street NW., Washington, DC 20534, and should be clearly marked "Privacy Act Request." In addition to a return address, requesters should provide the full name and notarized signature of the individual who is the subject of the record and is authorizing release of his/her information, the dates during which the individual was in counseling, and

any other information which may assist in identifying and locating the record. Pursuant to 28 CFR 16.41(d), an original signature on a "Certification of Identity" form (DOJ-361) may be submitted in lieu of a notarized signature. This form may be obtained from the Department of Justice website at <http://www.usdoj.gov> or by writing to the FOIA/PA Office, Bureau of Prisons, 320 First St. NW., Washington, DC 20534.

#### CONTESTING RECORD PROCEDURES:

All requests to contest or amend information should be directed to the Director of the Federal Bureau of Prisons at the address listed above. The request should follow the Record Access Procedures, listed above, and should state clearly and concisely the information being contested, the reason for contesting it, and the proposed amendment thereof. The envelope should be clearly marked, "Privacy Act Request."

#### RECORD SOURCE CATEGORIES:

Records are generated by Bureau staff, outside sources, referral counseling and treatment programs or individuals, and the EAP client who is the subject of the record. In the case of drug abuse counseling, records also may be generated by staff of the Drug-Free Workplace Program and the Medical Review Officer.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

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## DEPARTMENT OF JUSTICE

[AAG/A Order No. 202-2000]

### Privacy Act of 1974; System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Immigration and Naturalization Service (INS), Department of Justice, proposes to establish and publish a new system of records for which no public notice consistent with the provisions of 5 U.S.C. 552a(e)(4) have been published. This system of records is entitled:

The FD-258 Fingerprint Tracking System, JUSTICE/INS-024.

In accordance with 5 U.S.C. 552a(e)(4) and (11), the public is given a 30-day period in which to comment on the routine uses; the Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires a 40-day period in which to conclude its review of the system. Therefore, please

submit any comments by August 30, 2000. The public, OMB and the Congress are invited to submit any comments to Mary Cahill, Management Analyst, Management and Planning Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (Room 1400, National Place Building).

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and the Congress.

Dated: July 20, 2000.

**Stephen R. Colgate,**

*Assistant Attorney General for Administration.*

#### JUSTICE/INS-024

#### SYSTEM NAME:

FD-258 Fingerprint Tracking System.

#### SYSTEM LOCATION:

Immigration and Naturalization Service (INS) Headquarters, Regional Service Centers, District Offices and sub-offices as detailed in Justice/INS-999, last published in the **Federal Register** on April 13, 1999 (64 FR 18052). In addition, this system can be accessed from the three INS Regional offices and the Application Support Centers.

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

Individuals who have filed application or petitions for benefits under the Immigration and Nationality Act, as amended and are required to submit fingerprints in order for a criminal background check to be conducted by the Federal Bureau of Investigation (FBI), and who have submitted fingerprints to or have had their fingerprints taken by INS.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Information that identifies individuals named above, *e.g.*, name, date of birth, and alien registration number. Records in the system also include such information as date fingerprints were sent to the FBI for processing, the date a response was received from the FBI by INS, electronic rap sheet, and a unique control number. The response from the FBI that is included in the system of records includes such information as whether the individual has an arrest record, the charges on which the individual was arrested, whether the individual was convicted, and what the sentence or fine was. The unique seven digit control number is generated by the system and is used in the adjudication process to document that an applicant has a valid FBI response.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

8 U.S.C. 1103, 1154(b), 1158(d), 1159, 1229b, 1254a, 1255, and 1446.

#### PURPOSE:

This system enables INS to determine the status of pending fingerprint submissions to the FBI and the results of the FBI check; and to account for and control the receipt and processing of fingerprints submitted to the FBI for a criminal background check.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

A. To any Federal agency, where appropriate, to enable such agency to make determinations regarding the submission to and response received from the FBI pertaining to an immigration benefit applicant's fingerprints in accordance with that agency's statutory responsibilities. A Federal Agency may request this information from the INS to assist in an investigation.

B. In a proceeding before a court or adjudicative body before which INS or the Department of Justice (DOJ) is authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by INS or DOJ to be arguably relevant to the litigation: (1) The DOJ, or any DOJ component or subdivision thereof; (2) any DOJ employee in his or her official capacity; (3) any DOJ employee in his or her individual capacity when the DOJ has agreed to represent the employee or has authorized a private attorney to represent him or her; and (4) the United States, where INS or the DOJ determines that the litigation is likely to affect it or any of its subdivisions.

C. To an attorney or representative (as defined in 8 CFR 1.1(j)) who is acting on behalf of an individual covered by this system of records in connection with any proceeding before INS or the Executive Office for Immigration Review.

D. To the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

E. 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.

F. To General Services Administration and National Archives and Records Administration in records management