

direct commission applicant files containing copies of applications for appointment in the Coast Guard Reserve are destroyed when 1 year old. (SSIC 1100, Item 3b, NC1-26-80-4, item 337b)

Recruiting office jackets of successful and unsuccessful applicants for enlistment are destroyed one year after enlistment or rejection. (SSIC 1100, Item 3a, NC1-26-80-4, item 337a) General information files with the recruiting and enlistment are destroyed after two years (SSIC 1100 item 4, NC1-26-76-2, Item 587).

#### SYSTEM MANAGER AND ADDRESS:

Commander, United States Coast Guard Personnel Command, 2100 2nd Street, SW., Stop 7801, Washington, DC 20539.

#### 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 Commandant (CG-611), U.S. Coast Guard, Attn: FOIA Coordinator, 2100 2nd Street, SW., Stop 7101, Washington, DC 20593.

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,
- Specify when you believe the records would have been created,
- 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 USCG 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:

Records are obtained from USCG recruiting personnel and administrative staff. Medical personnel or private physicians providing consultations or patient history. Character and employee references. Educational institutions, staff and faculty members. Selective Service System. Local, state, and Federal law enforcement agencies. Prior or current military service records. Members of Congress. Other officials and employees of the Coast Guard, Department of Defense and components thereof, in the performance of their duties and as specified by current instructions and regulations promulgated by competent authority. Recruiting officials and individuals being recruited or who have been recruited by the United States Coast Guard, United States Marine Corps, United States Navy, and the United States Navy Bureau of Medicine.

#### EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: July 8, 2011.

**Mary Ellen Callahan,**

*Chief Privacy Officer, Department of Homeland Security.*

[FR Doc. 2011-20225 Filed 8-9-11; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Office of the Secretary

[Docket No. DHS-2011-0068]

### Privacy Act of 1974; Department of Homeland Security/United States Secret Service—001 Criminal Investigation Information 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 biennial review of system of record notices, the Department of Homeland Security proposes to update and reissue a current Department of Homeland Security system of records titled, "Department of Homeland Security/United States Secret Service—001 Criminal Investigation Information System of Records." As a result of biennial review of this system, records have been updated within the categories of records, routine uses, and notification

procedures of this system of records notice. Additionally, the Department of Homeland Security previously published a Final Rule in the **Federal Register** to exempt this system of records from certain provisions of the Privacy Act; the current updates to this system of records do not impact the nature of the exemptions claimed. This updated system will be included in the Department of Homeland Security's inventory of record systems.

**DATES:** Written comments must be submitted on or before September 9, 2011.

**ADDRESSES:** You may submit comments, identified by docket number DHS-2011-0068 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:** Mary Ellen Callahan, 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>, 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 please contact: Latita Payne (202-406-6370), Privacy Officer, United States Secret Service, 245 Murray Lane, SW., Building T-5, Washington, DC 20223. For privacy issues please contact: Mary Ellen Callahan (703-235-0780), 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, and as part of the Department of Homeland Security's (DHS) biennial review of system of record notices, DHS/United States Secret Service (USSS) proposes to update and reissue a current DHS system of records titled, DHS/USSS-001 Criminal Investigation Information System. As a result of biennial review of this system, records have been updated within the categories of individuals covered in this system and categories of records in this system in order to further define, narrow, and eliminate duplicative categories.

Routine Use P was deleted to eliminate duplicative information. The notification procedures were updated to better reflect the reason for exemption and the method for access. This updated system 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 lawful 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 that each agency publish in the **Federal Register** a description denoting the type and character of each system of records in order to make agency recordkeeping practices transparent, to notify individuals about the use of their records, and to assist the individual to more easily find files within the agency. Below is a description of the Criminal Investigation Information System.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this revised system of records to the Office of Management and Budget and to the Congress.

### SYSTEM OF RECORDS:

Department of Homeland Security (DHS)/United States Secret Service (USSS)—001.

### SYSTEM NAME:

DHS/USSS—001 Criminal Investigation Information System.

### SECURITY CLASSIFICATION:

Unclassified and Classified.

### SYSTEM LOCATION:

Records are maintained at the United States Secret Service Headquarters, 950

H St., NW., Washington, DC 20223 and field offices.

### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

- Individuals who have been or are currently the subject of a criminal investigation by DHS/USSS in connection with the performance by that agency of its authorized criminal investigative functions;
- Individuals who are informants, suspects, defendants, fugitives, released prisoners, organized crime figures, or those associated with these individuals who have been identified by DHS/USSS during the course of official USSS criminal investigations or by information supplied by other law enforcement agencies, government units, and the general public;
- Individuals who are witnesses and victims of crime as related to official USSS investigations;
- Individuals who are complainants and correspondents; and
- Individuals who are payees, registered owners, or endorers of stolen or lost obligations and other securities of the United States.

### CATEGORIES OF RECORDS IN THE SYSTEM:

- Records containing information compiled for the purpose of identifying individual criminal offenders and informants, suspects, defendants, fugitives, released prisoners, organized crime figures, or those associated with these individuals in furtherance of an official criminal investigation. The records consist of identifying data, including, but not limited to, name, date of birth, Social Security number, telephone number, home address, business address, spouse and family information, physical description, notations of arrest, the nature and imposition of criminal charges, sentencing, confinement, release, and parole or probations status concerning criminal offenders, defendants and suspects, witnesses, victims, and law enforcement personnel;
- Records containing reports identifiable with an individual, compiled at various stages of the process of enforcement of criminal laws from arrest or indictment through release from supervision, including reports of informants and investigators, for the purpose of a criminal investigation;
- Records containing investigatory material compiled for law enforcement purposes, including but not limited to, handwriting exemplars; laboratory analyses of inks and papers; handwriting analyses; petitions for the remission of forfeitures; notice of non-

receipt of Treasury drafts; affidavits of forged endorsements; opinions of the examiner of questioned documents; reports or opinions from the examination of computer evidence; reports or opinions from the examination of altered cellular telephones; certificates by owners of U.S. registered securities concerning forged requests for payments or assignments; applications for relief on account of loss, theft, or destruction of U.S. Savings Bonds or checks; photographic reproductions of obligations and other securities of the United States; contraband items; claims against the United States for the proceeds of government checks and bonds; reports necessary for the settlement of check and bond claims; polygraph case files; forensic examination information; search warrants and search warrant returns; indictments; certified inventories of property held as evidence; sworn and unsworn witness statements; state, local, and foreign criminal investigative information and reports; names and telephone numbers of persons intercepted by electronic, mechanical, or other device under the provisions of 18 U.S.C. § 2510 et seq. compiled during the lawful course of a criminal or civil investigation.

### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Homeland Security Act of 2002, Public Law 107–296; Federal Records Act, 44 U.S.C. 3101; 5 U.S.C. 301; 18 U.S.C. 3056 and 3056A; and 6 CFR part 5.

### PURPOSE(S):

The purpose of this system is to collect and maintain criminal records related to individuals being investigated by DHS/USSS in connection with USSS' criminal law enforcement functions, including but not limited to investigating counterfeiting offenses, financial institution fraud, computer and telecommunications fraud, false identification documents, access device fraud, advance fee fraud, and electronic funds transfer fraud.

### 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 the Department of Homeland Security (DHS) as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice 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 DOJ 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 employees and officials of financial and commercial business firms and to private individuals, information pertaining to actual or suspected criminal offenders where such disclosure is considered reasonably necessary for the purpose of furthering USSS efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders.

I. To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosure to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena from a court of competent jurisdiction.

J. To an appropriate federal, state, local, tribal, territorial, foreign, or international agency, if the information is relevant and necessary to agency's decision concerning the hiring or retention of an individual, the issuance of a security clearance, license, contract, grant, or other benefit, or if the information is relevant and necessary to a DHS decision concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit and when disclosure is appropriate to the proper performance of the official duties of the person making the request.

K. To the Integrated Automated Fingerprint Identification System (IAFIS) managed by the Department of Justice, Federal Bureau of Investigation in connection with USSS's utilization.

L. To federal, state, and local government agencies foreign or domestic, having prosecutorial and civil law enforcement functions for use by attorneys, magistrates, and judges, parole or probation authorities and other law enforcement authorities for

the purpose of developing a criminal or civil investigation, prosecuting, sentencing, or determining the parole and probation status of criminal offenders or suspected criminal offenders.

M. To personnel of other federal, state, and local law enforcement agencies, foreign or domestic, for the purpose of developing information on subjects involved in USSS criminal investigations and assisting other law enforcement agencies in the investigation and prosecution of violations of the criminal laws which those agencies are responsible for enforcing.

N. To personnel of federal, state, and local governmental agencies, foreign and domestic, where such disclosure is considered reasonably necessary for the purpose of furthering USSS efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders.

O. To personnel of federal, state, and local governmental agencies, foreign and domestic, where there is a showing of reasonable necessity to obtain such information to accomplish a valid law enforcement purpose as agreed to by the USSS.

P. 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:**

Paper and electronic records in this system are stored in secure facilities and/or behind locked doors. Electronic records media, such as magnetic tape, magnetic disk, digital media, and CD ROM are stored in proper environmental controls.

##### **RETRIEVABILITY:**

This system is indexed by name, address, vehicle license number, and/or telephone number, and is retrieved

through computer search of magnetic media indices both at Headquarters and in the field offices. Additionally, subjects are retrievable from the computerized files by physical description. Access to the physical files containing records is by case number.

#### **SAFEGUARDS:**

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable DHS and USSS automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored, processed, and transmitted. Access to the computer system containing the records in this system is limited to those individuals who have a USSS approved need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

#### **RETENTION AND DISPOSAL:**

All judicial cases are retained for a period of 30 years after case closure (unless otherwise required to be held permanently for transfer to the National Archives and Records Administration). Non-judicial criminal investigative cases (except non-judicial check and bond cases) are retained for 10 years. Non-judicial check claim and bond forgery cases are retained for 5 years. Administrative files of an investigatory nature are retained for 5 years. Investigations for other districts are retained for 2 years. Receipts are retained for a variety of time periods depending on the case file to which they pertain. Arrest history forms are held permanently for transfer to the National Archives and Records Administration. Headquarters criminal investigative case files are retained for 30 years. Consensual and non-consensual interception indices are held for 10 years or when investigative use no longer exists, whichever is longer. Fingerprint and photograph files are retained at varying intervals based on case type and in accordance with record retention schedules approved by the National Archives and Records Administration.

#### **SYSTEM MANAGER AND ADDRESS:**

Assistant Director, Office of Investigations, U.S. Secret Service, 245 Murray Lane SW., Building T-5, Washington, DC 20223.

#### **NOTIFICATION PROCEDURE:**

The Secretary of Homeland Security has exempted this system from the notification, access, and amendment

procedures of the Privacy Act because it is a law enforcement system. However, DHS/USSS will consider individual requests to determine whether or not information may be released. Thus, 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 USSS FOIA Officer, 245 Murray Drive SW., Building T-5, Washington, DC 20223. 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 FOIA Officer, Department of Homeland Security, whose contact information can be found at <http://www.dhs.gov/foia>.

When seeking records about yourself from this system of records or any other USSS 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,
- Specify when you believe the records would have been created,
- 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 USSS 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:**

The Secretary of Homeland Security has exempted this system from subsections (e)(4)(I) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2) and (k)(3); therefore, records sources shall not be disclosed.

#### **EXEMPTIONS CLAIMED FOR THE SYSTEM:**

Pursuant to exemption 5 U.S.C. 552a(j)(2) of the Privacy Act and the limitations therein, this system is exempt from 5 U.S.C. 552a(c)(3) and (4); (d); (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5) and (e)(8); (f); and (g). Pursuant to 5 U.S.C. 552a(k)(1), (k)(2), (k)(3) this system is exempt from the following provisions of the Privacy Act, subject to the limitations set forth in those subsections: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f). In addition, to the extent a record contains information from other exempt systems of records; USSS will rely on the exemptions claimed for those systems.

Dated: July 14, 2011.

**Mary Ellen Callahan,**

*Chief Privacy Officer, Department of Homeland Security.*

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**BILLING CODE 4810-42-P**

## **DEPARTMENT OF HOMELAND SECURITY**

### **Office of the Secretary**

[Docket No. DHS-2011-0053]

### **Privacy Act of 1974; Department of Homeland Security United States Coast Guard—020 Substance Abuse Prevention and Treatment Program 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 proposes to update and reissue an existing Department of Homeland Security system of records titled, "Department of Homeland Security/United States Coast Guard—020 Substance Abuse Prevention and Treatment Program System of Records." This system of records notice allows the Department of Homeland Security/United States Coast Guard to collect and maintain the United States Coast Guard's Substance Abuse Prevention and Treatment Program records. As a result of a biennial review of this system, categories of individuals, categories of records, and the purpose of the system have been updated. This updated system will replace the previously published system of records in the Department of Homeland Security's inventory of record systems.

**DATES:** Submit written comments on or before September 9, 2011. This new