

federal register

WEDNESDAY, SEPTEMBER 3, 1975



PART IV:

PRIVACY ACT OF 1974



VARIOUS AGENCIES

**Proposed Rules and Notices of
Systems of Records**

Title 16—Commercial Practices
CHAPTER I—FEDERAL TRADE
COMMISSION

SUBCHAPTER A—PROCEDURES AND RULES
OF PRACTICE

PART 4—MISCELLANEOUS RULES

Implementation of Privacy Act Regulations

The Commission announces the following rules, which are effective on October 3, 1975, to implement the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a). The Commission's proposed rules, which were promulgated on August 14, 1975 (40 FR 34162), are amended by these rules. The only changes made have been renumbering the rules and clarifying that all requests under § 4.13 (c) (formerly § 4.13.3) must name the system of records which is the subject of the request and must include any additional information specified in the pertinent system notice as necessary to locate the records requested. Other than correction of typographical errors, no other changes have been made.

Section 4.13 is added to read as follows:

§ 4.13 Privacy Act rules.

(a) *Purpose and Scope*—(1) This section is promulgated to implement the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a) by establishing procedures whereby an individual can, as to all systems of records maintained by the Commission except those set forth in § 4.13(m) as exempt from disclosure, (i) request notification of whether the Commission maintains a record pertaining to him in any system of records, (ii) request access to such a record or to an accounting of its disclosure, (iii) request that the record be amended or corrected, and (iv) appeal an initial adverse determination of any such request. This section also establishes those systems of records that are specifically exempt from disclosure and from other requirements.

(2) The procedures of this section apply only to requests by an individual as defined in § 4.13(b). Except as otherwise provided, they govern only records containing personal information in systems of records for which notice has been published by the Commission in the FEDERAL REGISTER pursuant to section 552a(e) (4) of the Privacy Act of 1974 and which are neither exempt from the provisions of this section nor contained in government-wide systems of personnel records for which notice has been published in the FEDERAL REGISTER by the Civil Service Commission. Requests for notification, access, and amendment of personnel records which are contained in a system of records for which notice has been given by the Civil Service Commission are governed by the Civil Service Commission's notices, 5 CFR Part 297. Access to records which are not subject to the requirements of the Privacy Act are governed by §§ 4.8-4.11.

(b) *Definitions*.—The following definitions apply to this section only:

(1) "Individual" means a natural person who is a citizen of the United States

or an alien lawfully admitted for permanent residence.

(2) "Record" means any item, collection, or grouping of personal information about an individual that is maintained by the Commission, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history 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, but does not include information concerning proprietorships, businesses, or corporations.

(3) "System of records" means a group of any records under the control of the Commission 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, for which notice has been published by the Commission in the FEDERAL REGISTER pursuant to 5 U.S.C. 552a(e) (4).

(c) *Procedures for requests pertaining to individual records in a record system*.—An individual may request access to his records or any information pertaining to him in a system of records, and notification of whether and to whom the Commission has disclosed a record for which an accounting of disclosures is required to be kept and made available to him, using the procedures of this subsection. Requests for the disclosure of records under this subsection or to determine whether a system of records contains records pertaining to an individual or to obtain an accounting of disclosures, shall be in writing and if mailed, addressed as follows:

Privacy Act Request, Office of the Secretary,
Federal Trade Commission, 6th Street and
Pennsylvania Avenue NW., Washington,
D.C. 20580.

If requests are presented in person at the Office of the Secretary, the individual shall be required to execute a written request. All requests must name the system of records which is the subject of the request, and must include any additional information specified in the pertinent system notice as necessary to locate the records requested. If the requester desires to permit a person to accompany him to review his record, the request shall so state. Nothing in this section shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

(d) *Times, places, and requirements for identification of individuals making requests*.—Verification of identity of persons making written requests to the Secretary ordinarily will not be required. The signature upon such requests shall be deemed to be a certification by the person signing that he is the individual to whom the record pertains or the parent of a minor or the duly appointed legal guardian of the individual to whom the record pertains. The Secretary may require additional verification of identity as specified by him when necessary reasonably to assure that records are not

improperly disclosed; provided, however, that no verification of identity will be required where the records sought are publicly available under the Freedom of Information Act.

(e) *Disclosure of requested information to individuals*.—Within ten (10) working days of receipt of a request under § 4.13 (c), the Secretary shall acknowledge receipt of the request. Within thirty (30) working days of the receipt of a request under § 4.13(c), the Secretary shall inform the requester whether a system of records containing retrievable information pertaining to the requester exists, and if so, either that his request has been granted or that the requested records or information is exempt from disclosure pursuant to § 4.13(m). When, for good cause shown, the Secretary is unable to respond within thirty (30) working days of the receipt of the request, he shall notify the requester of that fact and approximately when it is anticipated that a response will be made.

(f) *Special procedures: Medical records*.—When the Secretary determines that disclosure of a medical or psychological record directly to a requesting individual could have an adverse effect on the individual, he shall require the individual to designate a medical doctor to whom the record will be transmitted.

(g) *Request for correction or amendment of record*.—An individual to whom access to his records or any information pertaining to him in a system of records has been granted may request that any portion thereof be amended or corrected because he believes it is not accurate, relevant, timely, or complete. An initial request for correction or amendment of a record shall be in writing whether presented in person or by mail, and if by mail, addressed as in § 4.13(c). In making a request under this subsection, the requesting party shall state the nature of the information in the record the individual believes to be inaccurate, irrelevant, untimely, or incomplete, the correction or amendment desired, and the reasons therefore.

(h) *Agency review of request for correction or amendment of record*.—Whether presented in person or by mail, requests under § 4.13(g) shall be acknowledged by the Secretary within ten (10) working days of the receipt of the request if action on the request cannot be completed and the individual notified of the results within that time. Thereafter, the Secretary shall promptly either make the requested amendment or correction or inform the requester of his refusal to make the amendment or correction, the reasons for the refusal, and the requester's right to appeal that determination in accordance with § 4.13 (i).

(i) *Appeal of initial adverse agency determination*.—(1) If the Secretary denies an initial request under § 4.13(c) or § 4.13(g), the requester may appeal that determination to the Commission. The appeal shall be in writing and addressed as follows:

Privacy Act Appeal, Office of the General Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580-

The Commission shall notify the requester within thirty (30) working days of the receipt of his appeal of the disposition of that appeal, except that the thirty (30) day period may be extended for good cause, in which case the requester will be advised of the approximate date on which review will be completed.

(2) (i) If the Commission refuses to amend or correct the record in accordance with a request under § 4.13(g), it shall notify the requester of that determination and inform him of his right to file with the Secretary of the Commission a concise statement setting forth the reasons for his disagreement with that determination and the fact that such a statement will be treated as set forth in subparagraph (ii). The Commission shall also inform the requester that judicial review of the determination is available by a civil suit in the district in which the requester resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia.

(ii) If the individual files a statement disagreeing with the Commission's determination not to amend or correct a record, it shall be clearly noted in the record involved and made available to

anyone to whom the record has been disclosed after September 27, 1975, or is subsequently disclosed together with, if the Commission deems it appropriate, a brief statement of the reasons for refusing to amend the record.

(j) *Disclosure of record to person other than the individual to whom it pertains.*—Except as provided by 5 U.S.C. 552a(b), the written request or prior written consent of the individual to whom a record pertains, or of his parent if a minor, or legal guardian if incompetent, shall be required before such record is disclosed. If the individual elects to inspect a record in person and desires to be accompanied by another person, the Secretary may require the individual to furnish a signed statement authorizing his record to be disclosed in the presence of the accompanying named person.

(k) *Fees.*—No fees shall be charged for searching for a record, reviewing it, or for copies of records made by the Commission for its own purposes incident to granting access to a requester. Copies of records to which access has been granted under this section may be obtained by the requester from the Secretary upon payment of the reproduction fees provided in § 4.8(c) (2).

(l) *Penalties.* Section 552a(i) (3) of the Privacy Act, 5 U.S.C. 552a(i) (3), makes it a misdemeanor, subject to a maximum fine of \$5,000, to knowingly and willfully request or obtain any record concerning an individual under false pre-

tenses. Sections 552a(i) (1) and (2) of the Privacy Act, 5 U.S.C. 552a(i) (1) and (2), provide penalties for violations by agency employees of the Privacy Act or regulations established thereunder. Title 18 U.S.C. 1001, Crimes and Criminal Procedures, makes it a criminal offense, subject to a maximum fine of \$10,000 or imprisonment for not more than 5 years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.

(m) *Specific exemptions.*—Pursuant to 5 U.S.C. § 552a(k) (2), investigatory material compiled for law enforcement purposes in the following systems of records is exempt from subsections (c) (3), (d), (e) (1), (e) (4) (G), (H), and (I), and (f) of 5 U.S.C. 552a, and from the provisions of this section, except as otherwise provided in § 552a(k) (2):

Disciplinary Action Investigatory Files—FTC.
Investigational, Legal, and Public Records—FTC.
Litigation Information Management Systems for Investigations, Rulemaking, and Adjudicatory Proceedings—FTC.
Preliminary Investigation Files—FTC.

Issued by direction of the Commission dated August 27, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-23270 Filed 9-2-75;8:45 am]

**CIVIL AERONAUTICS BOARD
PRIVACY ACT OF 1974
Notices of Systems of Records**

By PDR-39, 40 F.R. 30283, the Civil Aeronautics Board issued notice of its proposed rules to implement the Privacy Act of 1974, and proposed notices of various "systems of records," under that Act, were published at 40 F.R. 33181. The Board hereby gives notice of the existence and character of two additional systems of records which it maintains. Public comment is invited with respect to the "routine use" which the Board proposes to make of the within-described information, as set forth in these notices. Comments may be filed on or before September 27, 1975, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

Dated: August 27, 1975.

Edwin Z. Holland,
Secretary.

CAB—11

System name: Members of Congress biographical information and correspondence—CAB

System location: Office of Community and Congressional Relations, Civil Aeronautics Board, 1825 Connecticut Avenue, N. W., Washington, D. C. 20428.

Categories of individuals covered by the system: Individuals who are current Members of Congress.

Categories of records in the system: Biographical information, including committee assignments and voting records, from public sources such as the Congressional Quarterly, Congressional Directory, and extracts from the Congressional Record and various aviation publications; and copies of correspondence between Members of Congress and the CAB which are duplicates of those maintained in the "Correspondence between Civil Aeronautics Board and persons outside the Board—CAB" system of records and subject to that Notice of System of Records.

Authority for maintenance of the system: Section 204 of the Federal Aviation Act, 49 U.S.C. 1324.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by CAB staff to answer staff and Congressional inquiries, and may be used for any regulatory purpose including evidence in proceedings before the Board and the courts. Relevant records in this system of records may be disclosed to any person if required under "freedom of information" or other laws governing access to materials in the Board's possession.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in individual file folders. Indexed by name of Member of Congress.

Safeguards: Folders are located in lockable metal file cabinets in an area to which access is controlled by CAB personnel and which is locked after business hours.

Retention and disposal: Biographical material is retained during the time an individual is a Member of Congress and then destroyed; duplicate correspondence is retained through the current session of Congress and is then destroyed.

System manager(s) and address: Director, Office of Community

and Congressional Relations, Civil Aeronautics Board, 1825 Connecticut Avenue, N. W., Washington, D. C. 20428.

Notification procedure: By mailing or delivering to the Office of the Secretary, Civil Aeronautics Board, 1825 Connecticut Avenue, N. W., Washington, D. C. 20428 a written request bearing the individual's return address, printed or typewritten name, and signature.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Published Congressional reference materials, aviation publications, Members of Congress writing to the CAB, and the CAB.

CAB—12

System name: Mailing lists of persons requesting CAB informational, technical, or statistical material - CAB.

System location: Publications Services Section, Office of Facilities and Operations, Civil Aeronautics Board, 1825 Connecticut Avenue, N. W., Washington, D. C. 20428.

Categories of individuals covered by the system: Individuals who have requested that they be placed on a CAB mailing list, including regular publication customers.

Categories of records in the system: CAB Form 103—"Subscription and Publications Order" containing name, address, item(s) requested, and amount of order; and requests for materials for which no charge is made containing name, address, and item(s) requested.

Authority for maintenance of the system: Section 204 of the Federal Aviation Act, 49 U.S.C. 1324.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by CAB staff to send items requested, and may be used for any regulatory purpose including use in evidence in proceedings before the Board and the courts.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in individual file folders, address card files, and metal addressograph plates.

Retrievability: Folders indexed by name, cards and addressograph plates filed alphabetically by name.

Safeguards: Stored in metal cabinets in an area to which access is controlled by and restricted to CAB personnel and which is locked after business hours.

Retention and disposal: CAB Form 103 is retained until the end of each calendar year and then destroyed; address card files and metal addressograph plates retained until the individual requests removal from the mailing list and then destroyed; requests for materials for which no charge is made are kept for up to one year after the material is sent and then destroyed.

System manager(s) and address: Chief, Publications Services Section, Office of Facilities and Operations, Civil Aeronautics Board, 1825 Connecticut Avenue, N. W., Washington, D. C. 20428.

Notification procedure: By mailing or delivering to the Office of the Secretary, Civil Aeronautics Board, 1825 Connecticut Avenue, N. W., Washington, D. C. 20428 a written request bearing the individual's return address, printed or typewritten name, and signature.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual or person requesting the material.

[FR Doc.75-23126 Filed 8-28-75;10:21 am]

COMMISSION ON CIVIL RIGHTS
[45 CFR Part 706]
THE REQUIREMENTS OF THE PRIVACY
ACT OF 1974

Proposed Rulemaking

The Commission on Civil Rights proposes to adopt rules regarding records maintained by the Commission concerning individuals pursuant to and in accordance with Section F of the Privacy Act of 1974. After consideration by the Commission of any comments regarding the proposed rules, final rules will be adopted by the Commission. When adopted, the rules will reflect the Commission's implementation of the requirement of the Privacy Act of 1974, 5 U.S.C. 552a (Pub. L. 93-579), and will comprise a new Part 706 of Title 45 of the Code of Federal Regulations.

Interested persons are invited to submit comments, suggestions, or objections regarding the proposed rules to the Office of General Counsel, Commission on Civil Rights, 1121 Vermont Avenue, N.W., Washington, D.C. 20425. Comments received prior to September 26, 1975, will be considered before final action is taken on this proposal.

It is proposed to make these rules effective September 27, 1975, the effective date of the Privacy Act of 1974.

LOUIS NUNEZ,
Acting Staff Director.

AUGUST 25, 1975.

PART 706—MATERIALS AVAILABLE
PURSUANT TO 5 U.S.C. 552a

Sec.	
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AUTHORITY: Pub. L. 93-579; 5 U.S.C. 552a.

§ 706.1 Purpose and scope.

(a) The purpose of this part is to set forth rules to inform the public regarding information maintained by the Commission on Civil Rights about identifiable individuals and to inform those individuals how they may gain access to and correct or amend information about themselves.

(b) The rules in this part carry out the requirements of the Privacy Act of 1974 (Pub. L. 93-579) and in particular 5 U.S.C. 552a as added by that Act.

(c) The rules in this part apply only to records disclosed or requested under the Privacy Act of 1974, and not to requests for information made pursuant to the Freedom of Information Act, 5 U.S.C. § 552.

§ 706.2 Definitions.

For the purpose of this regulation:

(a) The terms "Commission" and "agency" mean the U.S. Commission on Civil Rights;

(b) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(c) The term "maintain" includes maintain, collect, use, or disseminate;

(d) The term "record" means any item, collection, or grouping of information about an individual that is maintained by the Commission, including, but not limited to, his or her education, financial transactions, medical history, and criminal or employment history and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual;

(e) The term "system record" means a group of any records under the control of the Commission from which information may be retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to that individual;

(f) The term "statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided in section 8 of title 13; and

(g) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 706.3 Procedures for requests pertaining to individual records in a system of records.

(a) An individual seeking notification of whether a system of records contains a record pertaining to him or her or an individual seeking access to information or records pertaining to him or her which is available under the Privacy Act of 1974, shall present his or her request in person or in writing to the General Counsel of the Commission.

(b) In addition to meeting the requirements set forth in § 706.4(d), the individual seeking notification or access, either in person or by mail, shall describe the nature of the records sought, the approximate dates covered by the record, and the system in which it is thought to be included, as described in the "Notices of Record Systems" published in the FEDERAL REGISTER. (Citation to be supplied upon final adoption of the rules.)

§ 706.4 Times, places, and requirements for identification of individuals making requests and identification of records requested.

(a) The General Counsel is the designated Privacy Act Officer for the Commission.

(b) An individual making a request to the General Counsel in person may do so at the Commission's headquarters office, 1121 Vermont Avenue, N.W., Washington, D.C. 20425, on any business day during business hours. Persons may also appear for purposes of identification only at any of the regional offices of the Commission on any business day during business hours. Regional offices are located as follows:

Central States Regional Office, U.S. Commission on Civil Rights, 911 Walnut Street, Kansas City, Missouri 64106, (816) 374-5253 or 374-2454 (8:00-5:00).

Mid-Atlantic Regional Office, U.S. Commission on Civil Rights, 2120 L Street, N.W., (Room 510), Washington, D.C. 20037, (202) 254-6717 or 254-6870 (8:45-5:30).

Midwestern Regional Office, U.S. Commission on Civil Rights, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353-7371 or 353-7479 (8:45-5:30).

Mountain States Regional Office, U.S. Commission on Civil Rights, Ross Building (Room 216), 1726 Champa Street, Denver, Colorado 80282, (303) 837-2211 or 837-2485 (8:00-4:30).

Northeastern Regional Office, U.S. Commission on Civil Rights, 26 Federal Plaza (Room 1639), New York, New York 10007, (212) 264-0400 or 264-0543 (9:00-5:30).

Southern Regional Office, U.S. Commission on Civil Rights, Citizens Trust Bank Bldg. (Room 362), 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303, (404) 526-4391 or 526-4344 (9:00-5:30).

Southwestern Regional Office, U.S. Commission on Civil Rights, New Moore Building (Room 249), 106 Broadway, San Antonio, Texas 78205, (512) 225-4764 or 225-4810 (8:45-5:30).

Western Regional Office, U.S. Commission on Civil Rights, 312 North Spring Street (Room 1015), Los Angeles, California 90012, (213) 688-3437 or 688-5705 (8:30-5:00).

(c) An individual seeking access to records in person may establish his or her identity by the presentation of one document bearing a photograph (such as a driver's license, passport, or identification card or badge) or by the presentation of two items of identification which do not bear a photograph, but do bear both a name and address (such as a credit card). When identification is made without photographic identification the Commission will request a signature comparison to the signature appearing on the items offered for identification, whenever possible and practical.

(d) An individual seeking access to records by mail shall establish his or her identity by a signature, address, date of birth, and one other identifier, such as a driver's license or other document. The words "PRIVACY ACT REQUEST" should be placed in capital letters on the face of the envelope in order to facilitate requests by mail.

(e) An individual seeking access in person or by mail who cannot provide the required documentation of identification may provide a notarized statement, swearing or affirming to his or her identity and to the fact that he or she understands that there are criminal penalties for the making of false statements.

(f) The parent or guardian of a minor or a person judicially determined to be incompetent, in addition to establishing the identity of the minor or incompetent person he or she represents as required by paragraphs (a) through (c) of this section, shall establish his or her own parentage or guardianship by furnishing a copy of a birth certificate showing parentage or court order establishing guardianship.

(g) An individual seeking to review information about himself or herself may be accompanied by another person of his or her own choosing. In all such cases, the individual seeking access shall be required to furnish a written statement authorizing the discussion of his or her record in the presence of the accompanying person.

§ 706.5 Disclosure of requested information to individuals.

The General Counsel, or one or more assistants designated by him or her, upon receiving a request for notification of the existence of a record, or for access to a record shall (a) determine whether such record exists; (b) determine whether access is available under the Privacy Act; (c) notify the requesting person of those determinations within 10 (ten) working days (excluding Saturdays, Sundays, and legal public holidays); and (d) provide access to information pertaining to that person which has been determined to be available.

§ 706.6 Request for correction or amendment to record.

(a) Any individual who has reviewed a record pertaining to him or her that was furnished to him or her under this part may request the agency to correct or amend all or part of that record.

(b) Each individual requesting a correction or amendment shall send the request to the General Counsel.

(c) Each request for a correction or amendment of a record shall contain the following information:

- (1) The name of the individual requesting the correction or amendment.
- (2) The name of the system of records in which the record sought to be amended is maintained.
- (3) The location of the record system from which the record was obtained.
- (4) A copy of the record sought to be amended or a description of that record.
- (5) A statement of the material in the record that should be corrected or amended.
- (6) A statement of the specific wording of the correction or amendment sought.
- (7) A statement of the basis for the requested correction or amendment including any material that the individual can furnish to substantiate the reasons for the amendment sought.

§ 706.7 Agency review of request for correction or amendment of the record.

Within ten (10) working days (excluding Saturdays, Sundays and legal public holidays) of the receipt of the request for the correction or amendment of a

record, the General Counsel shall acknowledge receipt of the request and inform the individual that his or her request has been received and inform the individual whether further information is required before the correction or amendment can be considered. Further, the General Counsel shall promptly, and, under normal circumstances, not later than thirty (30) working days after receipt of the request, make the requested correction or amendment or notify the individual of his or her refusal to do so, including in the notification the reasons for the refusal, and the procedures established by the Commission by which the individual may initiate a review of that refusal.

§ 706.8 Appeal of an initial adverse agency determination.

(a) Any individual whose request for access or for a correction or amendment which has been denied, in whole or in part, by the General Counsel may appeal that decision to the Staff Director of the Commission, 1121 Vermont Avenue, NW., Room 800, Washington, D.C. 20425, or to a designee of the Staff Director.

(b) The appeal shall be in writing and shall:

- (1) Name the individual making the appeal;
- (2) Identify the record sought to be amended or corrected;
- (3) Name the record system in which that record is contained;
- (4) Contain a short statement describing the amendment or correction sought; and
- (5) State the name of the person who initially denied the correction or amendment.

(c) Not later than thirty (30) working days (excluding Saturdays, Sundays, and legal public holidays) after the date on which the agency received the appeal, the Staff Director shall complete his or her review of the appeal and make a final decision thereon, unless, for good cause shown, the Staff Director extends the appeal period beyond the initial thirty (30) day appeal period. In the event of such an extension the Staff Director shall promptly notify the individual making the appeal that the period for a final decision has been extended.

(d) After review of an appeal request, the Staff Director will send a written notice to the requester containing the following information:

- (1) The decision, and if the denial is upheld, the reasons for the decision;
- (2) The right of the requester to institute a civil action in a Federal District Court for judicial review of the decision, if the appeal is denied; and
- (3) The right of the requester to file with the Commission a concise statement setting forth the reasons for his or her disagreement with the Commission's decision denying the request. The Commission shall make this statement available to any person to whom the record is later disclosed, together with a brief statement, if the Commission considers it appropriate, of the agency's reasons for denying the requested correction or amendment.

§ 706.9 Disclosure of records to a person other than the individual to whom the record pertains.

(a) Any individual who desires to have his or her record disclosed to or mailed to a third person may authorize that person to act as his or her agent for that specific purpose. The authorization shall be in writing, signed by the individual, and notarized. The agent shall also submit proof of his or her own identity as provided in § 706.4.

(b) The parent of any minor individual or the legal guardian of any individual who has been declared by a court to be incompetent, due to physical or mental incapacity, may act on behalf of that individual in any matter covered by this part. A parent or guardian who desires to act on behalf of such an individual shall present suitable evidence of parentage or guardianship, by birth certificate, copy of a court order or similar documents, and proof of the individual's identity as provided in § 706.4.

(c) An individual to whom a record is to be disclosed, in person, pursuant to this part may have a person of his or her own choosing accompany the individual when the record is disclosed.

§ 706.10 Fees.

If an individual requests copies of his or her records the charge shall be three (3) cents per page, provided, however, that the Commission shall not charge for copies furnished to an individual as a necessary part of the process of disclosing the record to an individual. Fees may be waived or reduced in accordance with § 704.1(e) of the Commission's regulations (45 CFR 704) because of indigency, where the cost is nominal, when it is in the public interest not to charge, or when waiver would not constitute an unreasonable expense to the Commission.

§ 706.11 Penalties.

Any person who makes a false statement in connection with any request for a record, or in any request for an amendment to a record under this part, is subject to the penalties prescribed in 18 U.S.C. 494 and 495.

§ 706.12 Special procedures: information furnished by other agencies.

When records or information sought from the Commission include information furnished by other Federal agencies, the General Counsel shall consult with the appropriate agency prior to making a decision to disclose or to refuse to disclose the record, but the decision whether or not to disclose the record shall be made by the General Counsel.

§ 706.13 Exemptions.

(a) Systems of records or portions of such records are exempt under the Privacy Act of 1974, 5 U.S.C. 552a(k), including the following:

- (1) Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of the Privacy Act: Provided, however, That if any individual is denied any right, privilege, or benefit that he

or she would otherwise be eligible for, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

(2) Statistical personnel records that are used only to generate aggregate data or for other evaluative or analytical purposes and which are not used to make

decisions on the rights, benefits, or entitlements of individuals.

(3) Investigatory material maintained solely for the purposes of determining an individual's qualifications, eligibility, or suitability for employment in the Federal civilian service, Federal contracts, or access to classified information, but only to the extent that disclosure of such material would reveal the identity of the source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(4) Testing or examination material used solely to determine individual qualifications for promotion or appointment in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

(b) For purposes of this section, a "confidential source" means a source who furnished information to the Government under an express promise that the identity of the source would remain confidential, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

**U.S. COMMISSION ON CIVIL RIGHTS
PRIVACY ACT OF 1974
Notice of Systems of Records**

The Privacy Act of 1974, Pub. L. 93-579, amended Title 5 of the United States Code by adding a new section, 5 U.S.C. sec. 552a, to afford safeguards against the invasion of personal privacy. The Privacy Act becomes effective on September 27, 1975. Agencies of the Federal Government are required by the Act to publish each year a notice of systems of records they maintain.

Pursuant to the Privacy Act of 1974, the Civil Rights Commission submits the following notices of the existence and character of systems of records maintained by the Civil Rights Commission. Interested persons are invited to submit written data, views, or arguments concerning the routine use portions of the notices to the Office of General Counsel, U.S. Commission on Civil Rights, 1121 Vermont Avenue, N.W., Washington, D.C. 20425. Comments, data, views or arguments received on or before September 26, 1975, will be considered prior to final publication of the notices.

August 26, 1975.

Louis Nunez,
Acting Staff Director.

Alphabetical Listing and Table of Contents to Notices of Systems of Records Pursuant to the Privacy Act

- (1) Appeals, Grievances and Complaints (staff)
- (2) Applications for Employment
- (3) Complaints
- (4) Commission Projects
- (5) Information on Commissioners, Staff and State Advisory Committee members
- (6) Other Employee Programs: EEO, Troubled Employee, and Upward Mobility
- (7) Personnel
- (8) Resource and Consultant
- (9) State Advisory Committees Projects
- (10) Travel, Payroll, Time and Attendance of Commissioners, Staff, Consultants and State Advisory Committee Members

CRC-001

System name: Appeals, Grievances and Complaints (staff)

System location:

Office of Management
Personnel Office
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W., Room 507
Washington, D.C. 20425

Categories of individuals covered by the system: Applicants for Federal employment, current and former employees, agencies and annuitants who appeal a determination made by the Commission.

Categories of records in the system: This system of records contains information or documents relating to a decision and determination made by the Commission affecting an individual. The records consist of the initial grievance, complaint, or appeal, letters of notices to the individual, records of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimony of witnesses, investigative reports, notice of decision and related correspondence, opinions and recommendations.

Authority for maintenance of the system:

42 U.S.C. sec. 1975d(a)
Federal Personnel Regulation (FPM) 293
Federal Personnel Regulation (FPM) 771
Federal Personnel Regulation (FMP) 752

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records and information in the records may be used to respond to a request from a member of Congress regarding the status of an appeal, complaint or grievance; to provide information to the public on the decision of an appeal, complaint or grievance required by the Freedom of Information Act; to respond to a court subpoena and/or refer to a district court in connection with a civil suit; to adjudicate an appeal, complaint, or grievance; as a data source for management information for production of summary descriptive statistics and analytical

studies in support of the function for which the records are collected and maintained, or for related personnel management functions or personnel resources studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate a specific individual for personnel research or other personnel management functions; and to provide information or disclose to a Federal agency, in response to another agency's request, in connection with the hiring or retention of an employee.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—These records are maintained in secured file folders, and index card. Retrievability—These records are indexed by the names of the individuals on whom they are maintained. Safeguards—Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Retention and Disposal—The records are maintained up to two years and are transferred to the National Personnel Records Center, St. Louis, Missouri. They are destroyed by the Federal Records Center when the records are seven (7) years old.

System manager(s) and address:

Office of Management
Personnel Officer
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Notification procedure: Individuals who have filed appeals or grievances are aware of that fact and have been provided a copy of the record. They may, however, contact the:

Office of General Counsel
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W., Room 600
Washington, D.C. 20425

Record access procedures: Same as above with appeal to the Staff Director.

Record source categories: Individual to whom the record pertains; agency and/or Commission officials; affidavits or statements from employees; testimony of witnesses; official documents relating to the appeal, grievance, or complaints; and correspondence from specific organizations or persons.

CRC-002

System name: Applications for Employment

System location:

U.S. Commission on Civil Rights
Office of Management
Personnel Division
1121 Vermont Avenue, N.W., Room 507
Washington, D.C. 20425 Occasionally located on a temporary basis in divisional or regional offices.

Categories of individuals covered by the system: Applicants seeking employment with the U.S. Commission on Civil Rights.

Categories of records in the system: The system comprises S.F. 171's, personal resumes, and in many instances Civil Service Commission examination scores of individuals seeking employment with the Commission on Civil Rights.

Authority for maintenance of the system: 5 U.S.C. secs. 1302, 3109, 3301, 3302, 3304, 3306, 3307, 3309, 3313, 3317, 3318, 3319, 3326, 3349, 4103, 5532, 5533, 5723, and Executive Orders 1057 and 11103. 42 U.S.C. 1975d.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used to refer applicants to the various offices of the Commission for purposes of consideration for placement in positions for which the applicants have applied and are qualified. The records are available to personnel specialists who review the applicants' qualifications and consider them for appropriate agency vacancies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—The records are maintained in file folders. Retrievability—In some regional and divisional offices, the records are retrieved by name. In the Personnel Office, the records are recorded by name and grade in a log book. They can also be retrieved, however, by grade classification. Safeguards—Access to these records are restricted to those with appropriate function within the agency. Retention and Disposal—In

divisional or regional offices, the records are retained for an indefinite period of time. They are then forwarded to the Personnel Office or discarded. In the Personnel Office, every year the applications are returned to the applicants for update and resubmission if applicants are still interested in employment with the Commission.

System manager(s) and address:

Personnel Officer
Office of Management, Room 507
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Notification procedure:

General Counsel
Office of General Counsel, Room 600
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Record access procedures: Address inquiries same as Notification, with appeals to the Staff Director.

Record source categories: Information submitted by applicants seeking employment with the Commission.

CRC-003

System name: Complaints

System location:

U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425
Office of Federal Civil Rights Enforcement, Complaints Division
Office of General Counsel
Office of Field Operations Regional Offices:
Central States Regional Office, U.S.C.C.R.
911 Walnut Street
Kansas City, Missouri 64106
Mid-Atlantic Regional Office, U.S.C.C.R.
2120 L Street, N.W. (Room 510)
Washington, D.C. 20037
Midwestern Regional Office, U.S.C.C.R.
230 South Dearborn Street, 32nd Floor
Chicago, Illinois 60604
Mountain States Regional Office, U.S.C.C.R.
Ross Building (Room 216)
1726 Champa Street
Denver, Colorado 80282
Northeastern Regional Office, U.S.C.C.R.
26 Federal Plaza (Room 1639)
New York, New York 10007
Southern Regional Office, U.S.C.C.R.
Citizens Trust Bank Building (Room 362)
75 Piedmont Avenue, N.E.
Atlanta, Georgia 30303
Southwestern Regional Office, U.S.C.C.R.
New Moore Building (Room 249)
106 Broadway
San Antonio, Texas 78205
Western Regional Office, U.S.C.C.R.
312 North Spring Street (Room 1015)
Los Angeles, California 90012

Categories of individuals covered by the system: Records are maintained by the name of the person filing the complaint and by the name of the person or organization the complaint is filed against.

Categories of records in the system: The record contains the complaint alleging a denial of equal protection based on race, color, religion, national origin, or sex or in the Administration of Justice and the action taken by the Commission on that complaint.

Authority for maintenance of the system: 42 U.S.C. sec. 1975c(a)(1) and (5)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The record is used to assist in resolving complaints alleging denials of rights based on race, color, religion, national origin, or sex or in the Administration of Justice. Users of the record are the person or persons, groups, corporations or governmental agencies against whom the complaint is made and the Commissioners and Commission staff dealing with the complaint, as well as Federal or State agencies to which com-

plaints may be referred. (Subject to the requirements of 42 U.S.C. sec. 1975a(e).)

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—Records are maintained on paper. Retrievability—Records are indexed by subject matter, name of the complaining person or persons and the name of the persons, groups, corporations or governmental agencies against whom the complaint is brought. Retention and Disposal—Records are maintained in file cabinets during the course of the complaint investigation and for a reasonable period of time afterwards until they are retired to the National Archives.

System manager(s) and address:

Director
Office of Management
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Notification procedure:

General Counsel
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Record access procedures: General Counsel

Contesting record procedures:

Staff Director
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Record source categories: Complaints are received from the public; responses are received from those the complaint is filed against; further information is developed by Commission staff during the course of dealing with complaints.

CRC-004

System name: Commission projects

System location:

U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Categories of individuals covered by the system: Members of the public from whom the Commission has sought information; individuals active or interested in civil rights issues who have information on project subject areas; public and private individuals with civil rights responsibilities.

Categories of records in the system: Reports from staff field investigations; interview reports; hearing files; transcripts; letters to and from individuals regarding civil rights; reports and publications prepared by governmental agencies and private groups and individuals concerning civil rights; reports from Commissioners regarding civil rights; communications between the Commission and other governmental agencies and between the Commission and private groups and individuals generated in the course of project investigations; Commission reports and publications.

Project files have been compiled by the following offices: Office of General Counsel; Office of Research, Office of National Civil Rights Issues; Office of Staff Director, Women's Rights Program Unit; Office of Program and Policy Review; Office of Federal Civil Rights Evaluation; Office of Field Operations.

Authority for maintenance of the system: 42 U.S.C. sec. 1975c

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used to determine what projects the Commission should initiate; records are used as background and supporting material for the conduct of Commission projects; records are used during Commission hearings; records are used as background and supporting material in the preparation of Commission reports and publications. Primary users of these records are Commissioners and staff of the U.S. Commission on Civil Rights in the conduct of projects. The 51 State Advisory Committees to the Commission make use of project records in carrying out their advisory functions. Records are also available, in part, to use by the public upon request under the Freedom of Information Act. (Subject to 42 U.S.C. sec. 1975a(e).)

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—Material is maintained in the form of typed paper copy. Retrievability—System is indexed by project title, subject matter, and by name of person or

organization. Retaining—Records are kept in file cabinets during the project and for a reasonable time thereafter, and are retired to the National Archives when the records no longer serve a continuing use.

System manager(s) and address:

Director
Office of Management
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Notification procedure:

General Counsel
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Record access procedures: Same as above with appeal to the Staff Director.

Record source categories: Members of the public, Commissioners, State Advisory Committee members, and Commission staff.

CRC—005

System name: Information on Commissioners, staff and State Advisory Committee members, past and present.

System location:

U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425
Office of the Staff Director
Office of Information and Publication
Office of Field Operations
All Regional Offices

Categories of individuals covered by the system: Commissioners who are appointed by the President and confirmed by members of the Senate; State Advisory Committee members appointed by the Commissioners, and information on past Commissioners and advisory committee members. Limited information is kept on former employees in this system; also limited information is included on potential State Advisory Committee members.

Categories of records in the system: Contains rosters of Commissioners, State Advisory Committee members and staff; biographical information, and correspondence between the individual Commissioners, Advisory Committee members and staff. Staff lists reflect position and grade level.

Authority for maintenance of the system: 42 U.S.C. sec. 1975; and sec. 1975d(a) and (c)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information (names, rosters) is maintained for distribution to the public, and for mailing Commission materials and publications. Rosters containing names of employees, position and grade level are used to review staffing patterns, personnel practices, hirings and separations. Biographical data on advisory committee members is reviewed by the Commissioners and staff in selecting, reappointing or rechartering State Advisory Committees. Biographical data on the Commissioners is also made available to the public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—Information is stored in file folders. Retrievability—Information is retrieved by subject matter, i.e., Commissioners, a named State Advisory Committee, or staff; and then by individual name. Safeguards—Information is contained in unlocked file drawers with access limited to staff who manage or assist in activities relating to the categories of individuals covered. Retention and Disposal—Information is kept in files during current tenure of Commissioners, Advisory Committee members, and staff. Upon resignation or change of membership files are retained for 2-3 years and then retired to the National Archives.

System manager(s) and address:

Director
Office of Management
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W., Room 502A
Washington, D.C. 20425 For State Advisory Committee files:
Assistant Staff Director, Office of Field Operations
U.S. Commission on Civil Rights
Office of Field Operations
1121 Vermont Avenue, N.W., Room 500

Washington, D.C. 20425

Notification procedure:

General Counsel
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Record access procedures: Same as above for notification with appeals to the Staff Director.

Record source categories: Individual to whom the record pertains; personnel office and some members of the general public.

CRC—006

System name: Other Employee Programs: Equal Employment Opportunity, Troubled Employee and Upward Mobility

System location:

Office of Staff Director
Director of Equal Employment Opportunity
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Categories of individuals covered by the system: Equal Employment Opportunity: all employees of the Commission. Troubled Employee Program: employees with personal problems which detract from job effectiveness (alcoholism, drug abuse, mental stress, etc.). Upward Mobility: clerical employees who are eligible for entry into the program or who are participating in the program.

Categories of records in the system: Equal Employment Opportunity: open and restricted investigative files pertaining to equal employment opportunity complaints and problems. Troubled Employee Program: records are confidential and contain data regarding employees enrolled in the program, what assistance or counselling is received, and related information. Upward Mobility: records of enrollment in training or educational programs, class progress and grades, as well as promotions or advancements within the Commission.

Authority for maintenance of the system: Executive Order 11478; 42 U.S.C. sec. 1975d(a) and Federal Personnel Regulations, Chapter 293, 42 U.S.C. sec. 2000e

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Equal Employment Opportunity: Used by Equal Employment Opportunity director, counsellors, investigators and other agency officials where appropriate to resolve discrimination complaints. After disposition is made of the case, files are reviewed by the Office of General Counsel and where appeals are taken, files are reviewed by hearing officers and Civil Service Board of Appeals and Review. Where court actions are filed, records are reviewed by the courts and attorneys for the parties.

Equal Employment Opportunity records are used to meet Civil Service Commission and Federal employment reporting requirements.

Troubled Employee Program files are used by the Equal Employment Opportunity director and supervisory or management personnel in determining the prognosis, need for counselling, or other action in individual cases.

Upward Mobility files are used to counsel employees and supervisors; to monitor the effectiveness of the program, the training received, on-the-job experience and overall progress of the participants. Records in the Equal Employment Opportunity and Upward Mobility Programs are used to assist the agency in developing its Affirmative Action program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Records are maintained in the Office of the Director, Equal Employment Opportunity with access limited to the staff of that office. Investigative files (Equal Employment Opportunity) are retained in secured file cabinets. Troubled Employee files are maintained in locked file cabinets and are unavailable to agency staff (except the Equal Employment Opportunity Director) in their entirety, however extractions are made as necessary for management decisions.

Upward Mobility files are maintained in the same office. The Equal Employment Opportunity director and the Federal Women's Program Coordinator are the primary users of these records with extracts made available to Personnel, supervisors or others within management. Upon completion of the program some of this data may be placed in the Official Personnel Folder.

System manager(s) and address:

Director of Equal Employment Opportunity
Office of Staff Director
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Notification procedure:

General Counsel
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Record access procedures: Same as above with appeals to the Staff Director.

Record source categories: The employee in the program, supervisors, management and co-workers. Educational institutions, trainers, medical officials and other third parties dealing with covered employees.

CRC—007

System name: Personnel Records

System location:

U.S. Commission on Civil Rights
Office of Management
Personnel Division
1121 Vermont Avenue, N.W., Room 507
Washington, D.C. 20425
Office of the Staff Director
Office of Management
Office of Information and Publications
Office of General Counsel
Office of Program and Policy Review
Office of Field Operations
Office of Research
Office of Federal Civil Rights Evaluation
Office of National Civil Rights Issues
All Regional Offices

Categories of individuals covered by the system: Current Commission employees and those formerly employed by the Commission.

Categories of records in the system: This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed at the Commission. These records contain information about an individual relating to his birth date; Social Security Number; veterans preference; tenure; handicap; past and present salaries, grades, and position titles; letters of communication, reprimand, charges, and decisions on charges; notice of reduction-in-force; locator files; personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer, and separation; training; minority group designator; records relating to life insurance, health benefits, and designation of beneficiary; training; performance ratings, data documenting the reasons for personnel actions or decisions made about an individual; awards; and other information relating to the status of the individual.

Authority for maintenance of the system: 42 U.S.C. sec. 1975d(a); and Federal Personnel Regulations, Chapter 293

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used by agency officials for purposes of review in connection with appointments, transfers, promotions, reassignments, adverse actions, disciplinary actions, and determination of qualifications of an individual. Records are used to provide information to a prospective employer of a Commission employee or former employee.

These records are used in accordance with Civil Service Commission notices of Systems of Personnel Records including as a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—Records are maintained in file folders, in file cabinets with access limited to those persons whose official duties require access. Personnel screening is employed to prevent unauthorized disclosure. Retention and

Disposal—The Official Personnel Folder (OPF) is retained indefinitely. The OPF is sent to the National Personnel Records Center within 30 days of the date of the employee's separation from the Federal service. Some records such as letters of reprimand, indebtedness, and vouchers are maintained for two years or destroyed when an individual resigns, transfers, or is separated from the Federal service.

System manager(s) and address:

Office of Management
Personnel Officer
1121 Vermont Avenue, N.W., Room 507
Washington, D.C. 20425

Notification procedure:

General Counsel
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Record access procedures: Same as above with appeals to the Staff Director. Former Federal employees who wish to contest their records should direct such a request in writing to:

Director
Bureau of Manpower Information Systems
U.S. Civil Service Commission
1900 E Street, N.W.
Washington, D.C. 20415

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he/she supplied, except information provided by agency officials.

CRC—008

System name: Resource and Consultant

System location:

U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425
Office of Staff Director, Room 800
Women's Rights Program Unit, Room 503
Office of General Counsel, Room 600
Office of Information and Publications, Room 700 All Regional Offices:
Central States Regional Office, U.S.C.C.R.
911 Walnut Street
Kansas City, Missouri 64106
Mid-Atlantic Regional Office, U.S.C.C.R.
2120 L Street, N.W., Room 510
Washington, D.C. 20037
Midwestern Regional Office, U.S.C.C.R.
230 South Dearborn Street, 32nd Floor
Chicago, Illinois 60604
Mountain States Regional Office, U.S.C.C.R.
Ross Building, Room 216
1726 Champa Street
Denver, Colorado 80282
Northeastern Regional Office, U.S.C.C.R.
26 Federal Plaza, Room 1639
New York, New York 10007
Southern Regional Office, U.S.C.C.R.
Citizens Trust Bank Building, Room 362
75 Piedmont Avenue, N.E.
Atlanta, Georgia 30303
Southwestern Regional Office, U.S.C.C.R.
New Moore Building, Room 249
106 Broadway
San Antonio, Texas 78205
Western Regional Office, U.S.C.C.R.
312 North Spring Street, Room 1015
Los Angeles, California 90012

Categories of individuals covered by the system: Individuals with expertise and experience in civil rights matters; consultants, conference participants, appointees to Federal employment, boards of directors, state advisory committees, and other organizations.

Categories of records in the system: This system contains resumes, biographical sketches, mailing lists, rosters, some some employment data and interview reports, newspaper clippings, magazine articles, and miscellaneous information about individuals.

Authority for maintenance of the system: 42 U.S.C. sec. 1975d(a) and (c), and sec. 1975c(a)(4)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is referred to other Commission offices upon request for use in recruitment of employees, for use in obtaining information on persons interested in serving on advisory committees, or providing potential resource or consultant assistance to the agency. Data is shared with non-agency requesters where individuals have consented or data is of a public nature. Mailing lists and rosters are used for correspondence between the Commissioners, staff, advisory committees and members of the public; also for dissemination of information where appropriate.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Records are on paper in file folders. Most data are stored strictly by project and subject title. Project directors and division heads are primary personnel using the system. Women's Rights Program Unit: Resumes are filed by name in the Unit's locked file cabinets; access is available to Unit staff and, on occasion, to other Commission supervisory staff and hiring officials. Office of General Counsel and Office of Information and Publication: Data is stored in file cabinets with limited access. These records are kept for an indefinite period of time within the agency and subsequently retired to the National Archives when the project file is inactive.

System manager(s) and address:

Director
Office of Management
U.S. Commission on Civil Rights, Room 502A
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Notification procedure:

Office of General Counsel, Room 600
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Record access procedures: Same as above with appeal to the Staff Director.

Record source categories: Biographical information and background information is obtained from the individual; resumes and S.F. 171's are also obtained from the individual. Other information is obtained from newspapers, magazines, and public sources.

CRC—009

System name: State Advisory Committee Project Files

System location:

Office of Field Operations
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425 Regional Offices:
Central States Regional Office, U.S.C.C.R.
911 Walnut Street
Kansas City, Missouri 64106
Mid-Atlantic Regional Office, U.S.C.C.R.
2120 L Street, N.W., Room 510
Washington, D.C. 20037
Midwestern Regional Office, U.S.C.C.R.
230 South Dearborn Street, 32nd Floor
Chicago, Illinois 60604
Mountain States Regional Office, U.S.C.C.R.
Ross Building, Room 216
1726 Champa Street
Denver, Colorado 80282
Northeastern Regional Office, U.S.C.C.R.
26 Federal Plaza, Room 1639
New York, New York 10007
Southern Regional Office, U.S.C.C.R.
Citizens Trust Bank Building, Room 362
75 Piedmont Avenue, N.E.
Atlanta, Georgia 30303
Southwestern Regional Office, U.S.C.C.R.
New Moore Building, Room 249
106 Broadway
San Antonio, Texas 78205
Western Regional Office, U.S.C.C.R.
312 North Spring Street, Room 1015
Los Angeles, California 90012

Categories of individuals covered by the system: Members of the public from whom staff or advisory committee members seek information in connection with a project or their advisory function; in-

dividuals active or interested in civil rights issues in their States and local communities; public and private individuals with civil rights responsibilities.

Categories of records in the system: Reports from staff field investigations; interview reports; informal hearings or open meetings files; transcripts; letters to and from individuals regarding civil rights, reports and publications prepared by governmental agencies and private groups and individuals concerning civil rights; reports from State Advisory Committee members concerning civil rights; communications between the State Advisory Committees and State, local and Federal governmental agencies and between the State Advisory Committees and private individuals and groups generated during the course of State Advisory Committee project investigations; Commission reports and investigations. (Subject to the requirements of 42 U.S.C. sec. 1975a(e).)

Project files by the 51 State Advisory Committees have been compiled by the Office of Field Operations in Washington, D.C. and in the following regional offices:

Central States Regional Office: Iowa; Kansas; Missouri; Nebraska.

Mid-Atlantic Regional Office: Delaware; District of Columbia; Maryland; Pennsylvania; Virginia; West Virginia.

Midwestern Regional Office: Illinois; Indiana; Michigan; Minnesota; Ohio; Wisconsin.

Mountain States Regional Office: Arizona; Colorado; Montana; North Dakota; South Dakota; Utah; Wyoming.

Northeastern Regional Office: Connecticut; Maine; Massachusetts; New Hampshire; New Jersey; New York; Rhode Island; Vermont.

Southern Regional Office: Alabama; Florida; Georgia; Kentucky; Mississippi; North Carolina; South Carolina; Tennessee.

Southwestern Regional Office: Arkansas; Louisiana; Oklahoma; Texas; New Mexico.

Western Regional Office: Alaska; California; Hawaii; Idaho; Nevada; Oregon; Washington.

Authority for maintenance of the system: 42 U.S.C. sec. 1975d(c)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used to determine what projects State Advisory Committees should initiate and as background and supporting material for the conduct of State Advisory Committee projects; records are used by State Advisory Committees as background and supporting material for the preparation of State Advisory Committee reports and recommendations to the U.S. Commission on Civil Rights. Primary users of these records are State Advisory Committee members and Commission staff assisting State Advisory Committees in the conduct of projects. State Advisory Committee records are available, in part, to the public upon request under the Freedom of Information Act. (Subject to 42 U.S.C. sec. 1975a(e).)

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records are stored on paper. Retrievability—records are indexed by project title, subject matter and within these categories by name of individuals and organization. Retention—records are maintained by the Office of Field Operations in the headquarters office in Washington, D.C. and in the regional offices.

System manager(s) and address:

Assistant Staff Director
Office of Field Operations
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Notification procedure:

General Counsel
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Record access procedures: Same as above with appeal to the Staff Director.

Record source categories: Members of the public, State Advisory Committee members, Commissioners and Commission staff.

CRC—010

System name: Travel, payroll, time and attendance of Commissioners, staff, consultants, and State Advisory Committee members.

System location:

Office of Management

U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W., Room 502
Washington, D.C. 20425 All divisional offices All regional
offices

Categories of individuals covered by the system: Commissioners, staff, consultants, and State Advisory Committee members.

Categories of records in the system: Records consist of manual files containing payroll related information for staff and consultants. Payroll and time and attendance records and information includes many records or information also maintained in the Official Personnel Folder and related files maintained in accordance with Civil Service Commission regulations and of which notice has been given by the Civil Service Commission in its notice of government-wide systems of personnel records. Payroll and related information consists of various forms which discloses on a biweekly, year-to-date, and in some cases, an annual basis, payroll and leave data for staff and consultants relating to rate and amount of pay, leave, and hours worked, and leave balances; tax and retirement deductions; life insurance and health insurance deductions; savings allotments, savings bond and charity deductions.

For all categories of individuals covered, records include mailing addresses and home addresses, travel requests and travel vouchers where appropriate, statements of per diem and expense allowances.

Official travel records for the Commission are maintained by the General Services Administration.

Authority for maintenance of the system: 42 U.S.C. 1975d(a), Federal Personnel Manual and Treasury Fiscal Requirements Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Relevant records in this system are referred to the General Services Administration for preparation of payroll; to meet government payroll recordkeeping

and reporting requirements; and for retrieving and supplying payroll and leave information as required for agency needs. Travel records or vouchers may be used for purposes of providing reimbursements to covered individuals for travel expenses and/or record of official travel. Relevant records in this system may be referred as a routine use, to the Department of Justice or other appropriate Federal agency for investigating or prosecuting any violation of any Federal law or requirement thereunder.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—Maintained in individual folders for each category of individuals covered. Retrievability—Files are maintained in alphabetical order by category and by name. Safeguards—Maintained in areas to which access is controlled by or restricted to Commission management personnel. Retention and Disposal—In accordance with General Services Administration requirements for financial/ payroll/travel related records.

System manager(s) and address:

Director
Office of Management
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Notification procedure:

Office of General Counsel
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Record access procedures: Same as above with appeal to the Staff Director.

Record source categories: Provided by Civil Rights Commission employees and all categories of individuals covered.

[FR Doc.75-23064 Filed 9-2-75; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 16]

[FRL 424-1]

IMPLEMENTATION OF PRIVACY ACT OF 1974

Proposed Rulemaking

Notice is hereby given that the Environmental Protection Agency (EPA) proposes to amend Chapter I of Title 40 of the Code of Federal Regulations by adding a new Part 16 to implement provisions of the Privacy Act of 1974, 5 U.S.C. 552a (Pub. L. 93-579, 88 Stat. 1896). Interested persons may participate in the proposed rulemaking by submitting written data, views, or arguments pertaining to these proposed rules. Comments on the proposed rules received by the Agency on or before September 17, 1975, will be considered before taking final action on the proposed rules. Necessity for considering comments and finalizing the rules by September 27, 1975, furnishes good cause for an abbreviated comment period. Such comments should be addressed to Director, Management and Organization Division, PM-213, Environmental Protection Agency, Washington, D.C. 20460. Copies of all written comments will be available for examination by interested persons between 8 a.m. and 4:30 p.m. Mondays through Fridays (except holidays) at Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, D.C. 20460.

These proposed regulations establish procedures to be followed by individuals who request information about records pertaining to themselves and access to or amendments of records which are contained in systems of records maintained by EPA.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 40, Code of Federal Regulations, by adding a new Part 16 as follows:

PART 16—IMPLEMENTATION OF PRIVACY ACT OF 1974

Sec.	
16.1	Purpose and scope.
16.2	Definitions.
16.3	Procedures for requests pertaining to individual records in a record system.
16.4	Times, places, and requirements for identification of individuals making requests.
16.5	Disclosure of requested information to individuals.
16.6	Special procedures: Medical records.
16.7	Request for correction or amendment of record.
16.8	Initial determination on request for correction or amendment of record.
16.9	Appeal of initial adverse agency determination on request for correction or amendment.
16.10	Disclosure of record to person other than the individual to whom it pertains.
16.11	Fees.
16.12	Penalties.
16.13	[Reserved.]
16.14	Specific exemptions.

AUTHORITY: 5 U.S.C. 552a.

§ 16.1 Purpose and scope.

(a) This part sets forth the Environmental Protection Agency procedures under the Privacy Act of 1974 as required by 5 U.S.C. 552a(f).

(b) These procedures describe how an individual may request notification of whether EPA maintains a record pertaining to him or her in any of its systems of records, request access to the record or to an accounting of its disclosure, request that the record be amended or corrected, and appeal an initial adverse determination concerning any such request.

(c) These procedures apply only to requests by individuals and only to records maintained by EPA, excluding those systems specifically exempt under §§ 16.13 and 16.14 and those determined as government-wide and published by the Civil Service Commission in 5 CFR Parts 293 and 297.

§ 16.2 Definitions.

As used in this Part:

(a) The terms "individual," "maintain," "record," "system of records," and "routine use" shall have the meaning given them by 5 U.S.C. 552a (a) (2), (a) (3), (a) (4), (a) (5) and (a) (7), respectively.

(b) "EPA" means the Environmental Protection Agency.

(c) "Working days" means calendar days excluding Saturdays, Sundays, and legal public holidays.

§ 16.3 Procedures for requests pertaining to individual records in a record system.

Any individual who wishes to have EPA inform him or her whether a system of records maintained by EPA contains any record pertaining to him or her which is retrieved by name or personal identifier, or who wishes to request access to any such record, shall submit a written request in accordance with the instructions set forth in EPA's annual notice of systems for that system of records. This request shall include:

(a) The name of the individual making the request;

(b) The name of the system of records (as set forth in the EPA notice of systems) to which the request relates;

(c) Any other information which the system notice indicates should be included; and

(d) If the request is for access, a statement as to whether a personal inspection or a copy by mail is desired.

§ 16.4 Times, places, and requirements for identification of individuals making requests.

(a) If an individual submitting a request for access under § 16.3 has asked that EPA authorize a personal inspection of records, and EPA has granted the request, he or she may present himself or herself at the time and place specified in EPA's response or arrange another time with the appropriate agency official.

(b) Prior to inspection of records, an individual shall present sufficient identification (e.g., driver's license, employee

identification card, social security card, credit card) to establish that he or she is the individual to whom the records pertain. An individual who is unable to provide such identification shall complete and sign, in the presence of an agency official, a statement declaring his or her identity and stipulating that he or she understands it is a misdemeanor punishable by fine up to \$5,000 to knowingly and willfully seek or obtain access to records about another individual under false pretenses.

(c) If an individual, having requested personal inspection of his or her records, wishes to have another person accompany him or her during inspection, he or she shall submit a written statement authorizing disclosure in the presence of the other person(s).

(d) An individual who has made a personal inspection of records may then request copies of those records. Such requests may be granted, but fees may be charged in accordance with § 16.11.

(e) If an individual submitting a request under § 16.3 wishes to have copies furnished by mail, he or she must include with the request sufficient data to allow EPA to verify his or her identity. Should sensitivity of the records warrant it, EPA may require a requester to submit a signed and notarized statement indicating that he or she is the individual to whom the records pertain and that he or she understands it is a misdemeanor punishable by fine up to \$5,000 to knowingly and willfully seek or obtain access to records about another individual under false pretenses. Such mail requests may be granted, but fees may be charged in accordance with § 16.11.

(f) No verification of identity will be required where the records sought are publicly available under the Freedom of Information Act, as EPA procedures under 40 CFR Part 2 will then apply.

§ 16.5 Disclosure of requested information to individuals.

(a) Each request received will be acted upon promptly.

(b) Within 10 working days of receipt of a request, the system manager shall acknowledge the request. Whenever practicable, the acknowledgment will indicate whether or not access will be granted and, if so, when and where. When access is to be granted, it shall be provided within 30 working days of first receipt. If the agency is unable to meet this deadline, the records system manager shall so inform the requester stating reasons for the delay and an estimate of when access will be granted.

(c) If a request pursuant to § 16.3 for access to a record is in a system of records which is exempted, the records system manager will determine whether the information will nonetheless be made available. If the determination is to deny access, the reason for denial and the appeal procedure will be given to the requester.

(d) Any person whose request is initially denied may appeal that denial to the Privacy Act Officer, who shall make

an appeal determination within 10 working days.

(e) If the appeal under paragraph (d) of this section is denied, the requester may bring a civil action under 5 U.S.C. 552a(g) to seek review of the denial.

§ 16.6 Special procedures: medical records.

Should EPA receive a request for access to medical records (including psychological records) disclosure of which the system manager determines would be harmful to the individual to whom they relate, EPA may refuse to disclose the records directly to the individual and instead offer to transmit them to a physician designated by the individual.

§ 16.7 Request for correction or amendment of record.

(a) An individual may request correction or amendment of any record pertaining to him or her in a system of records maintained by EPA by submitting to the system manager, in writing, the following:

- (1) The name of the individual making the request;
- (2) The name of the system, as described in the notice of systems;
- (3) A description of the nature and substance of the correction or amendment request; and
- (4) Any additional information specified in the system notice.

(b) Any person submitting a request under this section shall include sufficient information in support of that request to allow EPA to apply the standards set forth in 5 U.S.C. 552a (e) (1) and (e) (5).

(c) Any person whose request is denied may appeal that denial to the Privacy Act Officer.

(d) In the event that appeal is denied, the requester may bring a civil action to seek review of the denial, under 5 U.S.C. 552a(g).

§ 16.8 Initial determination on request for correction or amendment of record.

(a) Within 10 working days of receipt of a request for amendment or correction, the system manager shall acknowledge the request, and promptly either:

- (1) Make any correction, deletion, or addition which the requester believes should be made; or
- (2) Inform the requester of his or her refusal to correct or amend the record, the reason for refusal, and the procedures for appeal.

(b) If the system manager is unable to comply with the preceding paragraphs within 30 working days of his or her receipt of a request, he or she will inform the requester of that fact, the reasons, and an estimate of when a determination will be reached.

(c) In conducting the review of the request, the system manager will be guided

by the requirements of 5 U.S.C. 552a(e) (1) and (e) (5).

(d) If the system manager determines to grant all or any portion of the request, he or she will:

- (1) Advise the individual of that determination;
- (2) Make the correction or amendment; and
- (3) So inform any person or agency outside EPA to whom the record has been disclosed, and, where an accounting of that disclosure is maintained in accordance with 5 U.S.C. 552a(c), note the occurrence and substance of the correction or amendment in the accounting.

(e) If the system manager determines not to grant all or any portion of a request for correction or amendment, he or she will:

- (1) Comply with paragraph (d) (3) of this section (if necessary);
- (2) Advise the individual of the determination and its basis;
- (3) Inform the individual that an appeal may be made; and
- (4) Describe the procedures for making the appeal.

(f) If EPA receives from another Federal agency a notice of correction or amendment of information furnished by that agency and contained in one of EPA's systems of records, the system manager shall advise the individual and make the correction as if EPA had originally made the correction or amendment.

§ 16.9 Appeal of initial adverse agency determination on request for correction or amendment.

(a) Any individual whose request for correction or amendment is initially denied by EPA and who wishes to appeal may do so by letter to the Privacy Act Officer. The appeal shall contain a description of the initial request sufficient to identify it.

(b) The Privacy Act Officer shall make a final determination not later than 30 working days from the date on which the individual requests the review, unless, for good cause shown, the Privacy Act Officer extends the 30-day period and notifies the requester. Such extension will be utilized only in exceptional circumstances.

(c) In conducting the review of an appeal, the Privacy Act Officer will be guided by the requirements of 5 U.S.C. 552a (e) (1) and (e) (5).

(d) If the Privacy Act Officer determines to grant all or any portion of an appeal he or she shall so inform the requester and EPA shall make the correction or amendment and comply with § 16.8(d) (3).

(e) If the Privacy Act Officer determines not to grant all or any portion of an appeal he or she shall inform the requester:

(1) Of the determination and its basis;

(2) Of the requester's right to file a concise statement of reasons for disagreeing with EPA's decision;

(3) Of the procedures for filing such statement of disagreement;

(4) That such statements of disagreements will be made available in subsequent disclosures of the record, together with an agency statement (if deemed appropriate) summarizing its refusal;

(5) That prior recipients of the disputed record will be provided with statements as in paragraph (e) (4) of this section, to the extent that an accounting of disclosures is maintained under 5 U.S.C. 552a(c); and

(6) Of the requester's right to seek judicial review under 5 U.S.C. 552a(g).

§ 16.10 Disclosure of record to person other than the individual to whom it pertains.

EPA shall not disclose any record which is contained in a system of records it maintains except pursuant to a written request by, or with the written consent of, the individual to whom the record pertains, unless the disclosure is authorized by one or more of the provisions of 5 U.S.C. 552a(b).

§ 16.11 Fees.

No fees shall be charged for providing the first copy of a record or any portion to an individual to whom the record pertains. The fee schedule for reproducing other records is the same as that set forth in 40 CFR § 2.120.

§ 16.12 Penalties.

The Act provides, in pertinent part: "Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000." (5 U.S.C. 552a(i) (3).)

§ 16.13 [Reserved]

§ 16.14 Specific exemptions.

Pursuant to 5 U.S.C. 552a(k) (2), investigatory material compiled for law enforcement purposes in the following systems of records is exempt from subsections (c) (3), (d), (e) (1), (e) (4) (G), (H) and (I), and (f) of 5 U.S.C. 552a and from the provisions of this Part, except as otherwise provided in 552a(k) (2).

(Reserved for list of exempt systems to be later identified.)

Dated: August 27, 1975.

RUSSELL E. TRAIN,
Administrator,
Environmental Protection Agency.
[FR Doc.75-23199 Filed 8-28-75;10:00 am]

NATIONAL SECURITY COUNCIL
[32 CFR Part 2102]
PRIVACY ACT OF 1974
Proposed Rulemaking

August 27, 1975.

Notice is hereby given that the National Security Council proposes to amend Title 32, Chapter XXI Code of Federal Regulations by adding a new Part 2102 to implement the provisions of the Privacy Act of 1974, 5 U.S.C. 552a (f), Pub. L. 93-579.

Interested persons are invited to submit written comments, suggestions or objections regarding these proposed rules to the Staff Secretary, National Security Council, Washington, D.C. 20506. All relevant material received before September 15, 1975 will be considered by the NSC in formulating its final regulations.

JEANNE W. DAVIS,
Staff Secretary.

Notice is hereby given that it is proposed to make the final regulations effective September 27, 1975, the effective date of section 3, Pub. L. 93-579.

These regulations are the exclusive means by which individuals may request personally identifiable records and information from the National Security Council.

Title 32, Chapter XII, Code of Federal Regulations is proposed to be amended by establishing a new Part 2102, as follows:

PART 2102—PRIVACY ACT REGULATIONS

Sec.	
2102.1	Introduction.
2102.2	Purpose and scope.
2102.3	Definitions.
2102.11	Procedures for determining if an individual is the subject of a record.
2102.13	Requirements for requesting access to a record.
2102.15	Requirements for requests to amend records.
2102.21	Procedures for appeal of determination to deny access to or amendment of requested records.
2102.31	Disclosure of record to persons other than the individual to whom it pertains.
2102.41	Fees.
2102.51	Penalties.
2102.61	Exemptions.

§ 2102.1 Introduction.

Insofar as the Privacy Act of 1974 (5 U.S.C. 552a) applies to the National Security Council (hereafter NSC), it provides the American public with expanded opportunities to gain access to records maintained by the NSC Staff which may pertain to them as individuals.

The NSC Staff, in addition to performing the functions prescribed in the National Security Act of 1947, as amended (50 U.S.C. 401), also serves as the supporting staff to the President in the conduct of foreign affairs. In doing so the NSC Staff is acting not as an agency but as an extension of the White House Office. In that the White House Office is not

considered an agency for the purposes of this Act, the materials which are used by NSC Staff personnel in their role as supporting staff to the President are not subject to the provisions of the Privacy Act of 1974. A description of these White House Office files is, nevertheless, appended to the NSC notices of systems of files and will be published annually in the FEDERAL REGISTER.

In general, Records in NSC files pertain to individual members of the public only if these individuals have been (1) employed by the NSC, (2) have corresponded on a foreign policy matter with a member of the NSC or its staff, or (3) have, as a U.S. Government official, participated in an NSC meeting or in the preparation of foreign policy-related documents for the NSC.

§ 2102.2 Purpose and scope.

The following regulations set forth procedures whereby individuals may seek and gain access to records concerning themselves and will guide the NSC Staff response to requests under the Privacy Act. In addition, they outline the requirements applicable to the personnel maintaining NSC systems of records.

(a) These regulations, published pursuant to the Privacy Act of 1974, Pub. L. 93-579, section 552a (f) and (k), 5 U.S.C. (hereinafter the Act), advise of procedures whereby an individual can:

(1) Request notification of whether the NSC Staff maintains or has disclosed a record pertaining to him or her in any non-exempt system of records;

(2) Request a copy of such record or an accounting of that disclosure,

(3) Request an amendment to a record; and

(4) Appeal any initial adverse determination of any request under the Act.

(b) These regulations also specify those systems of records which the NSC has determined to be exempt from certain provisions of the Act and thus not subject to procedures established by this regulation.

§ 2102.3 Definitions.

As used in these regulations:

(a) *Individual*: A citizen of the United States or an alien lawfully admitted for permanent residence.

(b) *Maintain*: includes maintain, collect, use or disseminate. Under the Act it is also used to connote control over, and, therefore, responsibility for, systems of records in support of the NSC statutory function (50 U.S.C. 401, et seq.).

(c) *Systems of Records*: a grouping of any records maintained by the NSC from which information is retrieved by the name of the individual or by some other identifying particular assigned to the individual.

(d) *Determination*: any decision made by the NSC or designated official thereof which affects the individual's rights, opportunities, benefits, etc. and which is based in whole or in part on information contained in that individual's record.

(e) *Routine Use*: with respect to the disclosure of a record, the use of such a record in a manner which is compatible

with the purpose for which it was collected.

(f) *Disclosure*: the granting of access or transfer of a record by any means.

§ 2102.4 Procedures for determining if an individual is the subject of a record.

(a) Individuals desiring to determine if they are the subject of a record or system of records maintained by the NSC Staff should address their inquiries, marking them plainly as a Privacy Act Request, to:

Staff Secretary, National Security Council,
 Room 374, Old Executive Office Building,
 Washington, D.C. 20506.

(b) All requests must be made in writing and should contain:

(1) A specific reference to the system of records maintained by the NSC as listed in the NSC Notices of Systems and Records (copies available upon request); or

(2) A description of the record or systems of records in sufficient detail to allow the NSC to determine whether the record does, in fact, exist in an NSC system of records.

(c) All requests must contain the printed or typewritten name of the individual to whom the record pertains, the signature of the individual making the request, and the address to which the reply should be sent. In instances when the identification is insufficient to insure disclosure to the individual to whom the information pertains in view of the sensitivity of the information, NSC reserves the right to solicit from the requestor additional identifying information.

(d) Responses to all requests under the Act will be made by the Staff Secretary, or by another designated member of the NSC Staff authorized to act in the name of the Staff Secretary in responding to a request under this Act. Every effort will be made to inform the requestor if he or she is the subject of a specific record or system of records within ten working days (excluding Saturdays, Sundays and legal Federal Holidays) of receipt of the request. Such a response will also contain the procedures to be followed in order to gain access to any record which may exist and a copy of the most recent NSC notice, as published in the FEDERAL REGISTER, on the system of records in which the record is contained.

(e) Whenever it is not possible to respond in the time period specified above, the NSC Staff Secretary or a designated alternate will, within ten working days (excluding Saturdays, Sundays and legal Federal Holidays), inform the requestor of the reasons for the delay (e.g., insufficient requestor information, difficulties in record location, etc.), steps that need to be taken in order to expedite the request, and the date by which a response is anticipated.

§ 2102.13 Requirements for access to a record.

(a) Individuals requesting access to a record or system or records in which

there is information concerning them must address a request in writing to the Staff Secretary of the NSC (see Section 1. above). Due to restricted access to NSC offices in the Old Executive Office Building where the files are located, requests cannot be made in person.

(b) All written requests should contain a concise description of the records to which access is requested. In addition, the requestor should include any other information which he or she feels would assist in the timely identification of the record. Verification of the requestor's identity will be determined under the same procedures used in requests for learning of the existence of a record.

(c) To the extent possible, any request for access will be answered by the Staff Secretary or a designated alternate within ten working days (excluding Saturdays, Sundays, and legal Federal holidays) of the receipt of the request. In the event that a response cannot be made within this time, the requestor will be notified by mail of the reasons for the delay and the date upon which a reply can be expected.

(d) The NSC response will forward a copy of the requested materials unless further identification or clarification of the request is required. In the event access is denied, the requestor shall be informed of the reasons therefor and the name and address of the individual to whom an appeal should be directed.

§ 2102.15 Requirements for requests to amend records.

(a) Individuals wishing to amend a record contained in the NSC systems of records pertaining to them must submit a request in writing to the Staff Secretary of the NSC in accordance with the procedures set forth herein.

(b) All requests for amendment or correction of a record must state concisely the reason for requesting the amendment. Such requests should include a brief statement which describes the information the requestor believes to be inaccurate, incomplete, or unnecessary and the amendment or correction desired.

(c) To the extent possible, every request for amendment of a record will be answered within ten working days (excluding Saturdays, Sundays, and legal Federal holidays) of the receipt of the request. In the event that a response cannot be made within this time, the requestor will be notified by mail of the reasons for the delay and the date upon which a reply can be expected. A final response to a request for amendment will include the NSC Staff determination on whether to grant or deny the request. If the request is denied, the response will include:

- (1) The reasons for the decision;
- (2) The name and address of the individual to whom an appeal should be directed;
- (3) A description of the process for review of the appeal within the NSC; and

(4) A description of any other procedures which may be required of the individual in order to process the appeal.

§ 2101.21 Procedures for appeal of determination to deny access to or amendment of requested records.

(a) Individuals wishing to appeal an NSC Staff denial of a request for access or to amend a record concerning them must address a letter of appeal to the Staff Secretary of the NSC. The letter must be received within thirty days from the date of the Staff Secretary's notice of denial and, at a minimum, should identify the following:

- (1) The records involved;
- (2) The dates of the initial request and subsequent NSC determination; and
- (3) A brief statement of the reasons supporting the request for reversal of the adverse determination.

(b) Within thirty working days (excluding Saturdays, Sundays and legal Federal Holidays) of the date of receipt of the letter of appeal, the Assistant to the President for National Security Affairs (hereinafter the "Assistant"), or the Deputy Assistant to the President for National Security Affairs (hereinafter the "Deputy Assistant", acting in his name, shall issue a determination on the appeal. In the event that a final determination cannot be made within this time period, the requestor will be informed of the delay, the reasons therefor and the date on which a final response is expected.

(c) If the original request was for access and the initial determination is reversed, a copy of the records sought will be sent to the individual. If the initial determination is upheld, the requestor will be so advised and informed of the right to judicial review pursuant to 5 U.S.C. 552a(g).

(d) If the initial denial of a request to amend a record is reversed, the records will be corrected and a copy of the amended record will be sent to the individual. In the event the original decision is upheld by the Assistant to the President, the requestor will be so advised and informed in writing of his or her right to seek judicial review of the final agency determination, pursuant to Section 552a(g) of Title 5, U.S.C. In addition, the requestor will be advised of his right to have a concise statement of the reasons for disagreeing with the final determination appended to the disputed records. This statement should be mailed to the Staff Secretary within ten working days (excluding Saturdays, Sundays, and legal Federal Holidays) of the date of the requestor's receipt of the final determination.

§ 2102.31 Disclosure of a record to persons other than the individual to whom it pertains.

Except as provided by the Privacy Act, 5 U.S.C. 552a(b), the NSC will not disclose a record concerning an individual to another person or agency without the prior written consent of the individual to whom the record pertains.

§ 2102.41 Fees.

(a) Individuals will not be charged for:

(1) The first copy of any record provided in response to a request for access or amendment;

(2) The search for, or review of, records in NSC files;

(3) Any copies reproduced as a necessary part of making a record or portion thereof available to the individual.

(b) After the first copy has been provided, records will be reproduced at the rate of twenty-five cents per page for all copying of four pages or more.

(c) The Staff Secretary may provide copies of a record at no charge if it is determined to be in the interest of the Government.

(d) The Staff Secretary may require that all fees be paid in full prior to the issuance of the requested copies.

(e) Remittances shall be in the form of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the "United States Treasury" and mailed to the Staff Secretary, National Security Council, Washington, D.C. 20506.

(f) A receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

§ 2102.51 Penalties.

Title 18, U.S.C. section 1001, Crimes and Criminal Procedures, makes it a criminal offense, subject to a maximum fine of \$10,000 or imprisonment for not more than five years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States. Section (i) (3) of the Privacy Act (5 U.S.C. 552a) makes it a misdemeanor, subject to a maximum fine of \$5,000, to knowingly and willfully request or obtain any record concerning an individual under false pretenses. Sections (i) (1) and (2) of 5 U.S.C. 552a provide penalties for violations by agency employees, of the Privacy Act or regulations established thereunder.

§ 2102.61 Exemptions.

Pursuant to subsection (k) of the Privacy Act, (5 U.S.C. 552a), the Staff Secretary has determined that certain NSC systems of records may be exempt in part from sections 553 (c) (3), (d), (e) (1), (e) (4) (G), (H), (I), and (f) of Title 5, and from the provisions of these regulations. These systems of records may contain information which is classified pursuant to Executive Order 11652. To the extent that this occurs, records in the following systems would be exempt under the provision of 5 U.S.C. 552a(k) (1):

- NSC 1.1—Central Research Index.
- NSC 1.2—NSC Correspondence Files.
- NSC 1.3—NSC Meetings Registry.

[FR Doc.75-23202 Filed 8-28-75;9:59 am]

NOTICE TO FEDERAL REGISTER READERS

As part of its continuing program to improve the quality of the daily FEDERAL REGISTER and CODE OF FEDERAL REGULATIONS, the Office of the Federal Register is soliciting the views of interested persons on the effectiveness of individual Federal Register documents and on regulations contained in the CODE OF FEDERAL REGULATIONS.

Our goal is twofold:

First—to make each document published in the FEDERAL REGISTER easily understandable, thus making compliance easier, more efficient, and less costly; and

Second—to identify and correct any existing Federal regulations which are obsolete, unnecessarily wordy, or unclearly stated.

We believe this effort is consistent with the objectives stated by President Ford in his October 8th speech on the economy in which he announced "a joint effort by the Congress, the executive branch and the private sector to identify and eliminate existing Federal rules and regulations that increase costs to the consumer without any good reason in today's economic climate."

The Office of the Federal Register welcomes your comments and suggestions. The survey blank below is provided for that purpose. All comments received will be maintained in a public docket and will be available for inspection in the Office of the Federal Register to any interested persons or agencies. Comments which point out the need for substantive changes in existing regulations also will be forwarded to the responsible agency.

I. For the following reasons I found it difficult to understand the document from _____ in column _____, page _____ of the _____ issue of the _____ (agency) _____ (date)

FEDERAL REGISTER:

- only technical language was used; document contained long and difficult sentences;
- preamble did not contain a clear and concise explanation of the document's purpose;
- other (explain) _____

II. I believe that the requirement(s) contained in:

A. The document from _____ in column _____, page _____ of the _____ (agency) _____ issue of the FEDERAL REGISTER, or _____ (date)

B. Section(s) _____ of Title _____ of the CODE OF FEDERAL REGULATIONS impose(s) an: unnecessary; unreasonable; impractical; or obsolete requirement on those persons subject to that regulation.

My reasons are: _____

III. (Optional) I suggest that the provision(s) mentioned above be rewritten as follows:

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