legitimate need to know the record in the course of his official duties;
(d) Maintain records as accurately as practicable,
(e) Consult with a supervisor prior to taking any action where they are in doubt whether such action is in conformance with the Act and regulation;
(2) System Employees shall not:
(a) Disclose in any form records from a system of records except (1) with the consent or at the request of the subject individual; or (2) where its disclosure is permitted under §5b.9 of the regulation.
(b) Permit unauthorized individuals to be present in controlled areas. Any unauthorized individuals observed in controlled areas shall be reported to a supervisor or to the guard force.
(c) Knowing or willfully take action which might subject the Department to civil liability.
(d) Make any arrangements for the design, development, or operation of any system of records without making reasonable effort to provide that the system can be maintained in accordance with the Act and regulation.
(e) Contracting officers. In addition to any applicable provisions set forth above, those employees whose official duties involve entering into contracts on behalf of the Department shall also be governed by the following provisions:
(1) Contracts for design, or development of systems and equipment. No contract for the design or development of a system of records, or for equipment to store, service or maintain a system of records shall be entered into unless the contracting officer has made reasonable effort to ensure that the product to be purchased is capable of being used without violation of the Act or regulation. Special attention shall be given to provision of physical safeguards.
(2) Contracts for the operation of systems of records. A review by the Contracting Officer, in conjunction with other officials whom he feels appropriate, of all proposed contracts providing for the operation of systems of records shall be made prior to execution of the contracts to determine whether operation of the system of records is for the purpose of accomplishing a Department function. If a determination is made that the operation of the system is to accomplish a Department function, the contracting officer shall be responsible for including in the contract appropriate provisions to apply the provisions of the Act and regulation to the system, including prohibitions against improper release by the contractor, his employees, agents, or subcontractors.
(f) Other service contracts. Contracting officers entering into general service contracts shall be responsible for determining the appropriateness of including provisions in the contract to prevent potential misuse (inadvertent or otherwise) by employees, agents, or subcontractors of the contractor.
(f) Rules Governing Responsible Department Officials. In addition to the requirements for Systems Employees, responsible Department officials shall:
(1) Respond to all requests for notification of or access, disclosure, or amendment of records in a timely fashion in accordance with the Act and regulation;
(2) Make any amendment of records accurately and in a timely fashion;
(3) Inform all persons whom the accounting records show have received copies of the record prior to the amendments of the correction; and
(4) Associate any statement of disagreement with the disputed record, and
(a) Transmit a copy of the statement to all persons whom the accounting records show have received a copy of the disputed record, and
(b) Transmit that statement with any future disclosure.

APPENDIX B TO PART 5B—ROUTINE USES APPLICABLE TO MORE THAN ONE SYSTEM OF RECORDS MAINTAINED BY HHS

(1) In the event that a system of records maintained by this agency or carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
(2) Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.
(3) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.
(4) A record from this system of records may be disclosed as a “routine use” to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance,
the letting of a contract, or the issuance of
a license, grant or other benefit.

A record from this system of records may
be disclosed to a Federal agency, in response
to its request, in connection with the hiring
or retention of an employee, the issuance of
a security clearance, the reporting of an in-
vestigation of an employee, the letting of a
contract, or the issuance of a license, grant,
or other benefit by the requesting agency, to
the extent that the record is relevant and
necessary to the requesting agency’s deci-
sion on the matter.

(6) In the event that a system of records
maintained by this agency to carry out its
function indicates a violation or potential
violation of law, whether civil, criminal or
regulatory in nature, and whether arising by
general statute or particular program stat-
tute, or by regulation, rule or order issued
pursuant thereto, the relevant records in the
system of records may be referred, as a rou-
tine use, to the appropriate agency, whether
state or local charged with the responsibility
of investigating or prosecuting such viola-
tion or charged with enforcing or imple-
menting the statute, or rule, regulation or
order issued pursuant thereto.

(7) Where Federal agencies having the
power to subpoena other Federal agencies’
records, such as the Internal Revenue Serv-
vice or the Civil Rights Commission, issue a
subpoena to the Department for records in
this system of records, the Department will
make such records available.

(8) Where a contract between a component
of the Department and a labor organization
recognized under E.O. 11491 provides that the
agency will disclose personal records rel-
levant to the organization’s mission, records
in this system of records may be disclosed to
such organization.

(9) The Department contemplates that it
will contract with a private firm for the pur-
pose of collating, analyzing, aggregating or
otherwise refining records in this system.
Relevant records will be disclosed to such a
contractor. The contractor shall be required
to maintain Privacy Act safeguards with re-
spect to such records.

(10) To the Department of Justice or other
appropriate Federal agencies in defending
claims against the United States when the
claim is based upon an individual’s mental or
physical condition and is alleged to have
arisen because of activities of the Public
Health Service in connection with such indi-
vidual.

(101) To individuals and organizations,
deemed qualified by the Secretary to carry
out specific research solely for the purpose of
carrying out such research.

(102) To organizations deemed qualified by
the Secretary to carry out quality assess-
ment, medical audits or utilization review.

(103) Disclosures in the course of employee
discipline or competence determination pro-
ceedings.

APPENDIX C TO PART 5b—DELEGATIONS
OF AUTHORITY [RESERVED]

PART 6 [RESERVED]

PART 7—EMPLOYEE INVENTIONS

Sec.

7.0 Who are employees.

7.1 Duty of employee to report inventions.

7.3 Determination as to domestic rights.

7.4 Option to acquire foreign rights.

7.7 Notice to employee of determination.

7.8 Employee’s right of appeal.

AUTHORITY: Reorg. Plan No. 1 of 1953, 18 FR
3 CFR 1950 Supp. and E.O. 10930, 26 FR 2583;

§ 7.0 Who are employees.

As used in this part, the term Govern-
ment employee means any officer or em-
ployee, civilian or military, except
such part-time employees or part-time
consultants as may be excluded there-
from by a determination made in writ-
ing by the head of the employee’s office
or constituent organization, pursuant
to an exemption approved by the Com-
missioner of Patents that to include
him or them would be impracticable or
inequitable, given the reasons therefor.
A person shall not be considered to be
a part-time employee or part-time con-
sultant for this purpose unless the
extent that the record is relevant and
necessary to the requesting agency’s deci-
sion on the matter.

(5) In the event that a system of records
maintained by this agency to carry out its
function indicates a violation or potential
violation of law, whether civil, criminal or
regulatory in nature, and whether arising by
general statute or particular program stat-
tute, or by regulation, rule or order issued
pursuant thereto, the relevant records in the
system of records may be referred, as a rou-
tine use, to the appropriate agency, whether
state or local charged with the responsibility
of investigating or prosecuting such viola-
tion or charged with enforcing or imple-
menting the statute, or rule, regulation or
order issued pursuant thereto.

(6) Where Federal agencies having the
power to subpoena other Federal agencies’
records, such as the Internal Revenue Serv-
vice or the Civil Rights Commission, issue a
subpoena to the Department for records in
this system of records, the Department will
make such records available.

(7) Where a contract between a component
of the Department and a labor organization
recognized under E.O. 11491 provides that the
agency will disclose personal records rel-
levant to the organization’s mission, records
in this system of records may be disclosed to
such organization.

(8) Where the appropriate official of the
Department, pursuant to the Department’s
Freedom of Information Regulation deter-
mines that it is in the public interest to dis-
close a record which is otherwise exempt
from mandatory disclosure, disclosure may
be made from this system of records.

(9) The Department contemplates that it
will contract with a private firm for the pur-
pose of collating, analyzing, aggregating or
otherwise refining records in this system.
Relevant records will be disclosed to such a
contractor. The contractor shall be required
to maintain Privacy Act safeguards with re-
spect to such records.

(10) To the Department of Justice or other
appropriate Federal agencies in defending
claims against the United States when the
claim is based upon an individual’s mental or
physical condition and is alleged to have
arisen because of activities of the Public
Health Service in connection with such indi-
vidual.