which is not strictly relevant or necessary to a specific investigation. In the interests of effective law enforcement, it is appropriate to retain all information that may aid in establishing patterns of criminal activity. Moreover, it would impede any investigative process, whether civil or criminal, if it were necessary to assure the relevance, accuracy, timeliness and completeness of all information obtained.

(5) From subsection (e)(2) because in a law enforcement investigation the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be informed of the existence of the investigation and may therefore be able to avoid detection, apprehension, or legal obligations or duties.

(6) From subsection (e)(3) because to comply with the requirements of this subsection during the course of an investigation could impede the information gathering process, thus hampering the investigation.

(7) From subsections (e)(4) (G) and (H) because no access to these records is available under subsection (d) of the Privacy Act. (This exemption applies only to the Drug Enforcement Task Force Evaluation and Reporting System.)

(8) From subsection (g) because these systems of records are exempt from the access and amendment provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

Order No. 57–91, 56 FR 58305, Nov. 19, 1991

§ 16.72 Exemption of Office of the Associate Attorney General System—limited access.

(a) The following system of records is exempt from 5 U.S.C. 552a(c) (3) and (4); (d); (e)(1), (2), (3) and (5); and (g):


These exemptions apply only to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2), (k)(1), (k)(2) and (k)(5).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because making available to a record subject the accounting of disclosures from records concerning him/her could reveal investigative interest on the part of the Department of Justice, as well as the recipient agency. This would permit record subjects to impede the investigation, e.g., destroy evidence, intimidate potential witnesses, or flee the area to avoid inquiries or apprehension by law enforcement personnel. Further, making available to a record subject the accounting of disclosures could reveal the identity of a confidential source. In addition, release of an accounting of disclosures may reveal information that is properly classified pursuant to Executive Order 12356, and thereby cause damage to the national security.

(2) From subsection (c)(4) because this system is exempt from the access provisions of subsection (d) pursuant to subsections (j)(2), (k)(1), (k)(2) and (k)(5) of the Privacy Act.

(3) From subsection (d) because the records contained in this system relate to official Federal investigations. Individual access to these records could compromise ongoing investigations, reveal confidential informants and/or sensitive investigative techniques used in particular investigations, or constitute unwarranted invasions of the personal privacy of third parties who are involved in a certain investigation. In addition, release of these records may reveal information that is properly classified pursuant to Executive Order 12356, and thereby cause damage to the national security. Amendment of the records in this system would interfere with ongoing law enforcement proceedings and impose an impossible administrative burden by requiring law enforcement investigations to be continuously reinvestigated.

(4) From subsections (e)(1) and (e)(5) because in the course of law enforcement investigations information may occasionally be obtained or introduced that is uncertain or which is not strictly relevant or necessary to a specific investigation. In
the interests of effective law enforce-
ment, it is appropriate to retain all in-
formation that may aid in establishing
patterns of criminal activity. More-
over, it would impede any investigative
process, whether civil or criminal, if it
were necessary to assure the relevance,
accuracy, timeliness and completeness
of all information obtained.

(5) From subsection (e)(2) because in
a law enforcement investigation the re-
quirement that information be col-
clected to the greatest extent possible
from the subject individual would
present a serious impediment to law
enforcement in that the subject of the
investigation would be informed of the
existence of the investigation and may
therefore be able to avoid detection,
apprehension, or legal obligations or
duties.

(6) From subsection (e)(3) because to
comply with the requirements of this
subsection during the course of an in-
vestigation could impede the informa-
tion gathering process, thus hampering
the investigation.

(7) From subsection (g) because this
system of records is exempt from
the access and amendment provisions of
subsection (d) pursuant to subsections
(j)(2), (k)(1), (k)(2) and (k)(5) of the Pri-
vacy Act.

(Order No. 57–91, 56 FR 58305, Nov. 19, 1991)

§ 16.73 Exemption of Office of Legal
Policy System—limited access.

(a) The following system of records is exempt from 5 U.S.C 552a (d)(1), (2), (3)
and (4); (e)(1) and (2), (e)(4)(G) and (H),
(e)(5); and (g):

(1) Freedom of Information and Pri-
vacy Appeals Index (JUSTICE/OLP–
001).

These exemptions apply only to the ex-
tent that information in this system is sub-
ject to exemption pursuant to 5
U.S.C. 552a(j)(2), (k)(2) and (k)(5).

(b) Exemptions from the particular
subsections are justified for the fol-
lowing reasons:

(1) From subsections (d)(1), (2), (3),
and (4) to the extent that information
in this record system relates to offici-
Federal investigations and matters of
law enforcement. Individual access to
these records might compromise ongo-
ing investigations, reveal confidential
informants or constitute unwarranted
invasions of the personal privacy of
third parties who are involved in a cer-
tain investigation. Amendment of the
records would interfere with ongoing
criminal law enforcement proceedings
and impose an impossible administra-
tive burden by requiring criminal in-
vestigations to be continuously re-
investigated.

(2) From subsections (e)(1) and (5) be-
cause in the course of law enforcement
investigations, information may occa-
sionally be obtained or introduced the
accuracy of which is unclear or which is
not strictly relevant or necessary to
a specific investigation. In the inter-
ests of effective law enforcement, it is
appropriate to retain all information
that may aid in establishing patterns
of criminal activity. Moreover, it
would impede the specific investiga-
tive process if it were necessary to assure
the relevance, accuracy, timeliness,
and completeness of all information
obtained.

(3) From subsection (e)(2) because in
a law enforcement investigation the re-
quirement that information be col-
clected to the greatest extent possible
from the subject individual would
present a serious impediment to law
enforcement in that the subject of the
investigation would be informed of the
existence of the investigation and
and therefore be able to avoid detect-
tion, apprehension, or legal obligations
or duties.

(4) From subsections (e)(4)(G) and (H)
because this system is exempt from the
access provisions of subsection (d) pur-
suant to subsections (j) and (k) of the Pri-
vacy Act.

(5) From subsection (g) because this
system is exempt from the access pro-
visions of subsection (d) pursuant to
subsections (j) and (k) of the Privacy
Act.

(c) The following system of records is exempt from 5 U.S.C. 552a(d)(1) and
(e)(1):

(1) U.S. Judges Records System (JUS-
tice/OLP–002).

These exemptions apply to the extent
that information in this system is sub-
ject to exemption pursuant to 5 U.S.C.
552a(k)(5).