

SAFEGUARDS:

Access to premises where records are stored is restricted via building passes and security guards. Access to all records is supervised and restricted to those employees with a need to know. In addition, access to computerized records is protected by encryption, password and appropriate user ID's.

RETENTION AND DISPOSAL:

Records are disposed of in accordance with General Records Schedule No. 2 as promulgated by the General Services Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Staff, Justice Management Division, Department of Justice, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Suite 5206, Washington, DC 20530.

NOTIFICATION PROCEDURE:

The individual may address inquiries to the servicing personnel office of the Department component(s) by which he/she is or was employed. Addresses of Department components may be found in Appendix I., to part 16 of the Code of Federal Regulations. The individual may also address his/her request to the system manager named above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individuals covered by the system; personnel offices; time and attendance clerks; supervisors, administrative officers, other officials; financial institutions or employee organizations; previous Federal employers; consumer reporting agencies; debt collection agencies; and the courts.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 98-1524 Filed 1-21-98; 8:45 am]

BILLING CODE 4410-AR-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 145-97]

Privacy Act of 1974; Altered System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of Justice proposes to modify a system of records maintained by the Immigration and Naturalization Service (INS). The system is entitled the

"Employee Assistance Program (EAP) Treatment Referral Records, JUSTICE/INS-019," and was last published on October 10, 1995 (60 FR 52701).

The system notice, printed below, has been modified to reflect a reorganization of the EAP program. Clinical records will no longer be maintained on behalf of INS by Health and Human Services and Office of Personnel Management (pursuant to an interagency agreement), nor by a variety of private contractors. Nor will administrative records be maintained by EAP Coordinators in INS regional offices. The program has been consolidated to include only the EAP Manager at INS headquarters, a prime contractor, and subcontractors or "therapists" as necessary. The prime contractor and therapists are commonly referred to as "contract providers." The EAP manager and the contract providers may maintain both administrative and clinical records as appropriate.

The following captions of the notice have been redrafted to reflect the organizational changes: "System Locations," "Categories of Individuals Covered by the System," and "Categories of Records in the System." In addition, other sections of the notice have been appropriately edited, including the "Routine Use" disclosure section.

The Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires a 40-day period in which to conclude its review of the system modification. In addition, 5 U.S.C. 552a(e) (4) and (11) provide that the public be given a 30-day period in which to comment on new routine uses of a system of records. However, no "new" routine uses have been added; only minor edits have been made to the Routine use section of the notice. Nevertheless, the public, as well as OMB and the Congress, are invited to submit any comments to Patricia E. Neely, Program Analyst, Information Management and Security Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (Room 850, WCTR Building).

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

Dated: December 16, 1997.

Stephen R. Colgate,
Assistant Attorney General for Administration.

JUSTICE/INS-019**SYSTEM NAME:**

Employee Assistance Program (EAP) Treatment Referral Records.

SYSTEM LOCATIONS:

Records are maintained by the EAP Manager/therapist at the Immigration and Naturalization Service (INS) headquarters office and at facilities under contract with INS to provide treatment and other services related to the administrative and financial management of the EAP program, i.e., contract providers. INS headquarters address is 425 I Street, NW, Washington, DC 20536. Addresses of the contract providers may be obtained by contacting the EAP Manager at INS headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former INS employees who have sought counseling and/or have been referred to the INS EAP Manager, EAP Specialist, or directly to the INS EAP contract providers for counseling and/or treatment. To the limited degree that counseling and treatment may be provided to family members of these employees, these individuals, too, are covered by the system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include any records which may assist in diagnosing, evaluating, counseling and/or treating the employee. Included are the therapist's intake/termination outcome forms, therapist case notes; pertinent psychosocial, medical and employment histories; medical tests or screenings, including drug and alcohol tests and information on confirmed unjustified positive drug tests generated by the staff of the Drug Free Workplace Program and the Medical Review Officer and provided by the EAP Manager or the employee's supervisor; treatment and rehabilitation plans as well as behavioral improvement plans; and records of treatment referrals. Referrals include those to community treatment resources when employees request legal, financial or other assistance not related to psychological or medical health. Where such referrals have been made, records may include relevant information related to such counseling, diagnosis, prognosis, treatment, and evaluation, together with follow-up data. Also included are written consent forms used to manage referrals and the flow of information. Finally, records include account information such as contract provider billings and INS payments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 290dd, et seq., and 290ee, et seq.; 42 CFR part 2; Executive Order 12564; 5 U.S.C. 3301 and 7901; 44

U.S.C. 3101 and Pub. L. 100-71, sec. 503 (July 11, 1987).

PURPOSE:

The EAP is a voluntary program designed to assist the recovery of employees who are experiencing one or more of a variety of personal or behavioral problems (e.g., marital, financial, substance abuse). Records are maintained to document referral and participation in the EAP program; the nature and effects of the employee's personal or behavioral problem(s); efforts to counsel, treat, and rehabilitate the employee; and progress made in attaining his/her full recovery. Records may be used also to track compliance with agreements made to mitigate discipline based upon treatment (abeyance agreements).

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

In addition to those disclosures permitted by the Privacy Act itself,¹ 5 U.S.C. 552a(b), permissive disclosures without individual consent, are as follows:

1. Pursuant to subsection (m) of the Privacy Act, the contract providers maintain EAP records on behalf of INS. Therefore, in addition to those records which are given directly to the contract provider by the record subject, other records collected directly by INS may be disclosed by INS to the contract provider to the extent that it is appropriate, relevant, and necessary to enable the contract provider to perform his or her counseling, treatment, rehabilitation, and evaluation responsibilities. Similarly, records collected directly by the contract provider may be disclosed by the contract provider to the EAP Manager to the extent that it is appropriate, relevant and necessary to enable the EAP Manager to perform his or her counseling, program management and policy, and evaluation responsibilities.

2. Relevant information may also be disclosed from this system of records as follows:

a. To appropriate State or local authorities to report, under State law, incidents of suspected child abuse or neglect.

b. To any person or entity to the extent necessary to prevent an imminent and potential crime which directly threatens loss of life or serious bodily injury.

¹ To the extent that release of alcohol and drug abuse records is more restricted than other records subject to the Privacy Act, INS will follow such restrictions. See 42 U.S.C. 290dd and 290ee.

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

STORAGE:

Records are stored in locked file cabinets and a computerized environment.

RETRIEVABILITY:

Records are retrieved by a case number which is cross referenced to a name by the computer.

SAFEGUARDS:

In accordance with the requirements of 42 CFR 2.16, records are stored in a secure environment. *Paper records are stored in locked files and computerized records are password protected.* In addition, all paper records, e.g., case files, billings and payment vouchers, are identified by case number only and cannot be identified by a name until they are cross-referenced by the computer system to a name.

Records may be accessed within the EAP Program by designated EAP Program individuals based on their need-to-know to perform their duties. No records will be disclosed except with the written consent of the individual, or as indicated under the routine use disclosure outlined in this notice.

RETENTION AND DISPOSAL:

Records are retained for three years after the individual ceases contact with the counselor unless a longer retention period is necessary because of pending administrative or judicial proceedings. In such cases, the records are retained for six months after the case is closed. Records are destroyed by shredding or burning (General Records Schedules 26 and 36).

SYSTEM MANAGER(S) AND ADDRESSES:

EAP Manager, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536.

NOTIFICATION PROCEDURE:

Same as record access procedures.

RECORDS ACCESS PROCEDURES:

Address all requests for access to records to the system manager identified above. Address all requests for records maintained by the contract provider to that provider. Addresses of these offices may be obtained by contacting the EAP Manager. Clearly mark the envelope and letter "Privacy Act Request." Provide the full name and notarized signature of the individual who is the subject of the record, the dates during which the individual was in counseling, any other information which may assist in

identifying and locating the record, and a return address.

CONTESTING RECORDS PROCEDURES:

Direct all requests to contest or amend information in accordance with procedures outlined under Record Access Procedures. State clearly and concisely the information being contested, the reason for contesting it, and the proposed amendment thereof. Clearly mark the envelope "Privacy Act Amendment Request."

RECORD SOURCE CATEGORIES:

Records are generated by the employee who is the subject of the record; EAP Manager, EAP Specialists, and EAP contract facilities/providers; the personnel office; and the employee's supervisor. In the case of drug abuse counseling, records may also be generated by the staff of the Drug Free Workplace Program and the Medical Review Officer.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 98-1525 Filed 1-21-98; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

[OJP(OJJDP)-1155]

Meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention

AGENCY: Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (OJJDP), Justice.

ACTION: Notice of meeting.

SUPPLEMENTARY INFORMATION: A meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention will take place in the District of Columbia, beginning at 2:00 p.m. on Tuesday, February 3, 1998 and ending at 4:00 p.m. on February 3, 1998. This advisory committee, chartered as the Coordinating Council on Juvenile Justice and Delinquency Prevention, will meet at the White House Conference Center, located at 726 Jackson Place, Truman Room, Washington, D.C. 20503. The Coordinating Council, established pursuant to Section 3(2)A of the Federal Advisory Committee Act (5 U.S.C., App. 2), will meet to carry out its advisory functions under Section 206 of the Juvenile Justice and Delinquency